



An  
Bord  
Pleanála

## Inspector's Addendum Report ABP-318061-23

### Development

Demolition of existing structure containing 3 no. apartments and the construction of a dwelling house with an internal garage and associated site works

### Location

14 Cork Street, Kinsale, Co. Cork

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

21/6640

### Applicant(s)

Keith Gilchrist

### Type of Application

Planning permission

### Planning Authority Decision

Refuse permission

### Type of Appeal

First Party

### Appellant(s)

Keith Gilchrist

### Observer(s)

Deirdre Fitzsimons

### Date of Site Inspection

5<sup>th</sup> May 2024

### Inspector

Mary Kennelly

## **1.0 Introduction**

- 1.1.1. This report is on foot of a Board Direction of the 27<sup>th</sup> October 2023 which had requested an Addendum Report.
- 1.1.2. The Board had made a decision to grant planning permission under Reference ABP.312911-22, on the 23<sup>rd</sup> May 2022. That decision was quashed by Order of the High Court and the case was remitted back to the Board for a new decision. A new Case File Reference 318061-23 was created. Section 132 Notices were issued to each of the parties to the appeal on the 1<sup>st</sup> November 2023. Following receipt of those submissions, the Board decided to return the file to the original Inspector for an addendum report.
- 1.1.3. A new development plan has since become the statutory operative plan for the area. The Cork County Development Plan 2022-2028 came into effect on the 6<sup>th</sup> of June 2022 and is now the statutory plan. This Plan has superseded all previous County/Town Development and Local Area Plans and is the Plan to which the Board must now have regard.

## **2.0 Responses to S132 Notices served on 7<sup>th</sup> March 2022**

No response was received from the First Party. Responses were received from the Planning Authority (20/11/23) **and** from the Third-Party Observer, **Deirdre Fitzsimons** (16/11/23). A summary of the main issues raised is set out below.

### **2.1. Response from Planning Authority**

- 2.1.1. The P.A. is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation. The planning authority has no further comment to make.

### **2.2. Response from Third Party Observer – Deirdre Fitzsimons, 33 Cork Street**

- 2.2.1. It is contended that the issues raised in the original submission in response to the grounds of appeal in relation to parking and traffic safety and visual impact have not been adequately addressed in the decision by the Board and that her opinion remains the same.

- 2.2.2. In respect of **road safety**, it was reiterated that in her opinion, there is insufficient space for a safe turning circle into the entrance of the proposed garage. This is due mainly to the narrowness of the road at this point, especially when cars are parked directly opposite which means that only one car can pass at a time. It was further submitted that the view of the road (i.e. sightlines) while exiting the proposed car parking space is obstructed due to the location of the entry staircase immediately to the west and is therefore unsafe. It is considered that this factor combined with the tendency for cars in the vicinity to further obstruct views leads to a potentially dangerous situation for cars, cyclists and pedestrians, including children.
- 2.2.3. It was further submitted that the impact on traffic flow of a car entering and exiting the proposed garage on this busy road with pedestrians, cyclists and vehicular traffic using a narrow section of road with no footpaths is likely to exacerbate the safety issues and the potential for accidents. It was pointed out that the same concerns raised in her previous submissions had also been shared by the planning authority's traffic engineer and by the Board's Inspector.
- 2.2.4. In respect of the impact on the **visual amenity and architectural integrity of the streetscape** of this part of Cork Street, the observer considers that the proposed integral garage would diminish the building's architectural appeal and aesthetic and would not be in accordance with the Cork County Development Plan policies for Kinsale and the planning authority's desire to maintain the architectural authenticity of its buildings.

## **3.0 Policy Framework**

### **3.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (February 2024)**

- 3.1.1. Since the appeal was first considered by the Board and following the judgement of Ms. Justice Lankford in July 2023, these guidelines have been published, which replace the Sustainable Residential Density Guidelines (2009). It is stated (2.1.1) that these Guidelines form part of a hierarchy of policies and plans, but the development plan provisions will continue to retain their primacy. However, the guidelines introduce a set of Specific Planning Policy Recommendations (SPPRs)

which do take precedence over any conflicting provisions in a statutory development plan. The four SPPRs are as follows:

**SPPR 1 – Separation distances** – “when considering for residential development, a **separation distance of at least 16 meters between opposing windows** serving habitable rooms at the rear or side of houses, duplex units and apartment units above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent overlooking of habitable rooms and amenity spaces...”

**SPPR 2 – Minimum Private Open Space Standards for Houses** – “proposals for new houses shall meet the following **private open space standards**:

1-bed house: 20sq.m

2-bed house: 30sq.m

3-bed house: 40sq.m

4-bed house: 50sq.m.

**SPPR 3 – Car Parking** – “in intermediate and peripheral locations, defined in Chapter 3, Table 3.8 (included all lands within Small and Medium sized towns), the maximum rate of car parking provision for residential development where such provision is justified to the satisfaction of the planning authority shall be two spaces per dwelling.

**SPPR 4 – Cycle Parking** – “all new housing schemes include safe and secure cycle storage facilities to meet the needs of residents and visitors:

- (i) Quantity - in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of one cycle storage space per bedroom should be applied.
- (ii) Design - cycle storage facilities shall be provided in a dedicated facility of permanent construction within the building footprint or within an adjacent purposeful structure of permanent construction.

### 3.2. Cork County Development Plan 2022-2028

- 3.2.1. **Introduction** - Since the appeal was first considered by An Bord Pleanála in May 2022, a new County Development Plan for Kinsale, County Cork has become operative. The Cork County Development Plan 2022-2028 became effective on the 6<sup>th</sup> June 2022 and replaces the Kinsale Town Development Plan 2009-2015, which was still in effect at the time of the previous planning decisions made by the Board and the Planning Authority. The Plan contains six volumes with the main policy material in Volume 1, Heritage and Amenity in Volume 2, West Cork in Volume 5 and Maps in Volume 6. Kinsale is located within the Bandon-Kinsale Municipal District Electoral Area, the policies for which are addressed in Volume 5 (West Cork).
- 3.2.2. The relevant chapters of **Volume 1 of the CDP** include **Chapter 10 Tourism**, **Chapter 12 Transport and Mobility** and **Chapter 16 Built and Cultural Heritage**.
- 3.2.3. **Chapter 10 – Tourism** – Kinsale is listed as one of the County’s principal tourist attractions (10.7.2). Heritage Tourism is recognised as one of the most important and fastest growing aspects of the tourist industry, including historic town centres (10.9.2). Policy TO 10-5 seeks to protect and conserve natural, built and cultural heritage features.
- 3.2.4. **Chapter 12 – Transport and Mobility – Section 12.6 – Transport Demand Management** highlights the importance of ‘Liveable towns’, a key concept of which is to facilitate the ability to walk and access most of the population’s everyday needs within an attractive 10-minute walk or cycle of their home (12.6.1). There is a strong emphasis on promotion of active travel particularly in respect of facilitating walking and cycling. To encourage more sustainable travel patterns and higher quality environments, pedestrian and cyclist use must be prioritised (12.7.11).
- 3.2.5. At **12.12.13** it is stated -
- Given the requirement to deliver 30% of all new urban development on infill/brownfield sites within the built footprint of existing settlements, and in order to encourage and incentivise those wishing to invest in and develop town/village centre locations, 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.

**TM12-2-1 Active Travel** seeks to deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, livable, vibrant and safe settlements to work, live, shop and engage in community life within a 10-minute walk of one's home.

(d) Development should incorporate the retention of existing routes and linkages which contribute to permeability of an area, particularly those providing access to key services, facilities and public transport infrastructure. Loss of existing links shall not occur if their loss results in more circuitous trips.

(f) Public realm upgrades would be promoted to enhance walking and cycling provision in settlements.

### **TM12-9 Parking**

Secure the appropriate delivery of car parking and bicycle spaces and facilities in line with the Standards set out in Section 12.24 of this document:

- a) All non-residential development proposals will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.
- b) All residential development proposals, in Metropolitan Cork, in areas within walking distance of town centres and public transport services, will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.
- e) Connectivity and accessibility between key car parking areas and primary town centre streets is to be safe and convenient.

3.2.6. **Chapter 16 – Built and Cultural Heritage** – The Architectural Conservation Areas designated in the Plan are listed in Volume 2 and the list includes Kinsale town. ACAs can be entire streetscapes. The special character of an ACA is made up of its architectural features, setting, spatial qualities and land uses.

## HE16-18 Architectural Conservation Areas

Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. It is intended that this will be achieved by a range of measures including the following:

- (a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- (c) Ensure that new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- (d) Protect structures from demolition and non-sympathetic alterations.
- (e) Promoting high-quality architectural design within ACAs.

3.2.7. **Volume 5 West Cork** of the 2022 CDP includes two municipal districts, one of which is the Bandon Kinsale Municipal District. **Kinsale** is designated as one of the two **Main Towns** in the **Bandon-Kinsale Municipal District**. It is noted at the outset that since the previous Plan period, Kinsale Town Council has been dissolved and the current Plan sets out a single planning strategy for the town and its environs. The main sections of relevance in this plan include Tourism, Movement and Public Realm and Built Heritage.

3.2.8. The Plan highlights the importance of the town's aesthetic qualities and historic significance and states that it is an objective to protect and enhance the natural and built heritage assets of this medieval coastal settlement and to facilitate its development as one of the County's principal tourist attractions. The development strategy includes focusing new housing close to the existing urban footprint in order to maximise opportunities for walking and cycling within the town and to reinforce its compact urban form.

3.2.9. **Tourism** - Kinsale's historic and attractive townscape and maritime offer is the foundation of the town's tourism market. The historic and architectural significance of

Kinsale's townscape together with its impressive building stock are currently protected by a large Architectural Conservation Area. Within the medieval town centre there are clear capacity and road safety issues along the streets due to the narrow pavements and high volumes of pedestrian traffic which forces pedestrians onto the carriageway. Measures identified include the introduction of the Inner Relief Road, traffic restrictions on some streets and the delivery of heritage-led public realm strategy which, it is stated would create an enhanced visitor experience in the town.

3.2.10. Pressure for car parking is identified as a continuous issue within the town especially during peak summer months. It is stated that any future additional provision of spaces within the historic town will be constrained by the historic environment. As part of the future parking strategy for the town, Cork County Council will therefore investigate options that will avoid impacts on the historic environment.

3.2.11. **Movement and Public Realm** – traffic congestion associated with tourism during the summer season is identified as an issue as well as the constrained medieval streets which have difficulty coping with the volumes of pedestrian traffic.

3.2.12. Kinsale is also one of 6 towns within the county included in an Active Towns Strategy aimed at promoting walking and cycling within the town. As part of this strategy there are plans to improve access to schools for pedestrians and cyclists and improve the network of tourism trails and associated signage. In terms of walking and cycling, the historic streetscape in Kinsale is highly permeable for pedestrian movement creating a safe environment. The Plan carries forward a number of development objectives which seek to enhance the pedestrian and cycling environment of Kinsale for its residents and tourists alike.

3.2.13. **Built Heritage** - Kinsale town is characterised by a combination of medieval buildings and a number of 19th and 20th century developments including some minor infill developments on the hill side. One of the main characteristics of the built environment of the town is its narrow streetscape of compact and dense development. Its unique heritage and success as a tourist destination has seen it formally recognised by Fáilte Ireland as a Heritage Theme Town.

**KS-GO-05** Protect the heritage assets of the town including the Battlefield Sites, maritime heritage and its attractive townscape features including its roofscape, urban morphology, fenestration details, slate-hung facades and street furniture.



**KS-GO-07** Support the enhancement of walking and cycling facilities in the town.

**KS-GO-08** Support the preparation of a heritage-led public realm strategy for Kinsale which focuses on creating an enhanced pedestrian environment within the historic core, a new Waterfront Amenity Zone and improved linkages between the town centre and the waterfront.

## **4.0 Assessment**

4.1.1. It is considered that the main issues arising from the further submission received on the remitted application are as follows: -

- Compliance with new Planning Guidelines and Development Plan policy
- Traffic and Transport

### **4.2. Compliance with new Planning Guidelines and Development Plan Policy**

#### **Sustainable Residential Development and Compact Settlement Guidelines 2024**

- 4.2.1. As noted at 3.1 above, these guidelines were published subsequent to both the Board's previous decision and to the Judgement of the court. The provisions of the new guidelines are to be applied in a manner that is consistent with the existing guidelines that are still in force and having regard to the provisions of the statutory development plan for the area, which will ordinarily have primacy over the guidelines. The SPPRs, however, are mandatory, and take precedence over development plan provisions, where differences exist.
- 4.2.2. I have examined the proposed development, comprising the demolition of a building with three apartments and the construction of a new infill dwelling, with 4-bedrooms, and includes an undercroft/integral garage at the front and a rear garden. It is considered that the proposed development complies with SPPR 1 and SPPR 2, as a separation distance of 16m applies to the side window on the adjoining property to the north-west, and the size of the rear garden exceeds 50sq.m.
- 4.2.3. SPPR 3 requires a maximum of 2 parking spaces per dwelling, where such provision is justified to the satisfaction of the planning authority, as the site is located within a Main Town, (Intermediate/Peripheral Area Table 3.8 of Guidelines). The proposal

includes one single parking space, which is proposed to be integral to the ground floor layout of the new house. As such, the proposal would not contravene SP3. However, the text associated with SP3 states as follows:

The availability of car parking has a critical impact on travel choices for all journeys, including local trips.....In areas where car-parking levels are reduced studies show that people are more likely to walk, cycle, or choose public transport for daily travel.....The approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.

- 4.2.4. In light of the overall approach to parking provision in the new guidelines, it is considered that justification for one parking space, or even no parking space, could be made on the basis of the central location of the site and its proximity and accessibility to a wide range of facilities and amenities.
- 4.2.5. SP3 4 requires 4 cycle spaces (one per bedroom) as well as visitor parking, which should be in a secure location. Although no specific proposals have been made in this regard, it is considered that secure cycle parking could easily be provided within the development, either within the building footprint or in the back garden. It is considered that this matter could be addressed by means of a suitable condition, should the Board be minded to grant permission.

#### **Cork County Development Plan 2022-2028**

- 4.2.6. In my previous Inspector's report, I had addressed this issue under the heading of the 'Principle of development', wherein I had concluded that the introduction of the proposed integral garage at this location would have represented an alien feature in this intimate streetscape within the ACA which, it was considered, would have detracted from the character of the street and would have created a precedent which would have eroded the character of the ACA. However, the Board disagreed and stated that

“ In deciding not to accept the Inspector's recommendation to refuse planning permission, the Board noted the totality of the documentation on file including the assessment of the architectural treatment as set out by the planning authority

and the Conservation Officer and agreed that the proposed development would be consistent with the objectives of the Kinsale Town Development Plan 2009-2015.”

- 4.2.7. As stated previously, the **Kinsale Town Development Plan 2009-2015** has been superseded since the matter was last before the Board. The new statutory plan is the **Cork County Development Plan 2022-2028**, (CDP) the main policies of which are contained in Volume 1, and those relating specifically to Kinsale, in Volume 5, and are summarised in 3.2 above.
- 4.2.8. I have reviewed the policies and objectives of the new Cork County Development Plan and in particular, the policies and objectives which relate to Kinsale. As would be expected, the policies and objectives of the new Plan reflect the national and regional planning policy framework as set out in the NPF, the Regional Economic and Social Strategy for the Southern Region and in various S28 Ministerial Guidelines which have been published since the previous Kinsale Town Development Plan had been adopted in 2009. These include the recently published Sustainable Residential Development and Compact Settlement Guidelines 2024 (SRDCSG) and DMURS (Design Manual for Urban Roads and Streets 2013), notwithstanding the fact that the Development Plan preceded the SRDCSG.
- 4.2.9. The Kinsale Town Development Plan 2009-2015 had emphasised the importance of the economic growth of the town and its role both as a community and a commercial service centre providing for the needs of the population and businesses. The Plan sought to provide for a safe road network to meet the needs of motorists, cyclists and pedestrians and to significantly improve traffic management and car parking facilities within the town. The role of tourism was acknowledged as being of importance, but its enhancement was just one element of the proposed strategic vision for Kinsale. The site was zoned Established Residential and was located within the Kinsale Architectural Conservation Area. I note that the Area Planner, and one of the third-party submissions, had welcome the replacement of a derelict site in an ACA with a new dwelling house which was in the form of a traditional townhouse. Furthermore, the Conservation Officer had been generally satisfied with the scale, massing, design and external appearance subject minor amendments and to conditions of ant planning permission.

- 4.2.10. The site is still located within the Architectural Conservation Area for Kinsale and is still zoned Established Residential in the new Plan. However, the tourism role of Kinsale is substantially elevated in the new Development Plan as it is now highlighted as being its 'principal function' with a strong emphasis on the historic and attractive townscape as being one of the main founding elements of the town's tourism market. It is noted as being a 'Heritage Town' and with an attractive network of medieval streets and the Plan seeks to facilitate the town's development as "one of the County's principal tourist assets". Objective **KS-GO-05** of the Plan seeks to protect its built heritage assets, including the attractive townscape features. It is also acknowledged, however, that the capacity and road safety issues of these medieval streets, due to their narrow widths and high volumes of pedestrians and tourists, presents challenges. Objective **KS-GO-07** supports the enhancement of walking and cycling facilities in the town and Objective **KS-GO-08** supports the preparation of a heritage-led public realm strategy for Kinsale which includes a focus on creating an enhanced pedestrian environment within the historic core.
- 4.2.11. The new policy framework (for both the County and for Kinsale), is also much more focused on achieving compact growth in line with national policy, with a strong emphasis on prioritising walking and cycling ('active travel') and in creating and maintaining attractive liveable environments which encourage 'active travel'. The Plan also introduces a change in parking policy with a strong emphasis on reducing the amount of carparking, particularly within the historic core, in order to encourage modal shift towards walking and cycling.
- 4.2.12. It is noted that whilst the 2014 CDP had set out maximum parking standards for non-residential development, the 2022 CDP applies maximum standards to both non-residential and residential areas in Metropolitan Cork, in town centres and in areas within walking distance of a high-quality public transport service (12.12.10). Furthermore, in order to encourage and incentivise development in town centre locations, development proposals for 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 town centres, the County Council will not normally seek the provision of on-site parking or a monetary contribution in lieu of car parking (12.12.13).

- 4.2.13. It is considered that the planning policy framework has changed in the intervening period in two principal ways. Firstly, a higher value seems to have been placed on the importance of the historic streetscapes and medieval streets which form a significant part of the Architectural Conservation Area (ACA), particularly, in terms of the contribution of these elements of the ACA to the vitally important tourism function that is envisioned for Kinsale. Secondly, the national and local policy framework has changed significantly in respect of the approach to parking provision and the promotion of 'active travel' and the '10-minute' city/ton/neighbourhood. There is now a strong emphasis on minimising, or even eliminating, the need for on-site parking provision for residential development, particularly where sites are centrally located.
- 4.2.14. The site of the appeal is located on a narrow medieval street in the heart of the historic town, and the streetscape within which the site is located makes a significant contribution to the character of the ACA. There is no integral or undercroft parking on this part of the street and the proposed development would be at odds with the adjoining properties on either side and opposite in this respect. The introduction of a garage door with a car parking space on the ground floor front façade of the mid-terrace building would detract from the character of the street. The revised plans, with the turntable, (submitted to P.A. on 7/01/22), results in almost the entire front part of the ground floor being occupied by the turntable, which would be a discordant feature in the streetscape, when the doors are left open. Given the elevated importance of the tourism role of the town and the objective to protect and enhance the built heritage assets, which include these historic streetscapes, it is considered that the proposed development would be contrary to Objective KS-GO-05.
- 4.2.15. The street is a key pedestrian route linking the housing estates at Abbeylands and Barrack Street to the north-east with the town centre. This section of the street is very narrow and the front doors of the dwelling houses open either directly onto it or via steps. There are no footpaths. The introduction of a vehicular entrance to serve a parking space in the middle of the terrace at this location would alter this character, and by the precedent that it is likely to set, would contribute to making the narrow, medieval street less attractive to pedestrians. It would therefore be contrary to Objectives KS-GO-07 and KS-GO-08 of the CDP.
- 4.2.16. In conclusion, it is considered that in light of the provisions of the recently adopted Cork County Development Plan 2022 and the Sustainable Residential Development

and Compact Settlement Guidelines 2024, with which the CDP is generally consistent, the proposed development, by reason of the proposed vehicular entrance and integral parking space comprising a large turntable within the ground floor façade would detract from the attractive townscape features of the Architectural Character Area and would make the street less attractive to pedestrians and cyclists.

#### **4.3. Traffic and transport**

- 4.3.1. The planning authority's decision to refuse planning permission was based on a single reason as follows:

Based on the information submitted and having regard to the poorly aligned vehicular access, at a point where sightlines are severely restricted and the traffic likely to be generated by the proposed development, it is considered that the current proposal would endanger public safety by reason of traffic hazard.

The P.A. planning and technical assessments had differed in that the Traffic Engineer considered that the proposed parking space and vehicular entrance would be unsafe, would reduce the amount of street parking and would impact the neighbouring resident opposite the site. However, the Area Planner was satisfied with the revised proposal submitted as FI dated 7<sup>th</sup> January 2022, involving the installation of a single vehicle turntable to facilitate entering/exiting in a forward motion. He based this on using a standard turning radii of a vehicle, which he considered showed that a private vehicle could enter both the off-street garage and Cork Street in one single forward motion, and with vehicles parked directly opposite.

- 4.3.2. It is noted that the factors taken into account by the Area Planner in coming to a positive conclusion on the matter included the reduction in density, a then extant permission (18/7463) with a higher parking demand, and the refurbishment of a derelict structure in an ACA. However, the Traffic Engineer remained strongly opposed to the proposal on traffic safety grounds, and a decision to refuse permission was issued.
- 4.3.3. The third-party observer, Deirdre Fitzsimons (20/11/23), remains concerned that road is too narrow with no footpaths to accommodate a vehicular entrance at this location and that the sightlines at the proposed entrance/exit with the public road are inadequate and will give rise to a traffic hazard on this busy road creating a traffic

hazard for pedestrians, cyclists and vehicle users. The main concern relates to the following -

- **Poor sightlines** - to the north due to the tendency for a car to be habitually parked at this location, and to the south as the sightlines are obstructed by existing and proposed steps which project onto the road.
- **Inadequate swept-path analysis** – there are additional cars parked within the swept path for 99% of the time, which were not taken into account in the analysis, and the analysis was based on a smaller car being parked outside No. 33. In addition, the observer submits that the analysis relies on ‘small car parameters’ with a narrower width (1.68m) than a standard car (1.86m).
- **Disruption of traffic flow** - as a vehicle attempts to manoeuvre into and out of the space, as the narrow width of the road only facilitates one car to pass at a time, thereby creating congestion which would add to the traffic hazard for pedestrians.

4.3.4. The Board will note that the applicant had provided Drawing No. 21016-P-900 in the grounds of appeal dated 2<sup>nd</sup> March 2022, which it was submitted, illustrated (using a swept path analysis software), that a car can enter and leave the garage in forward gear with cars parked opposite the entrance. Reference was also made to DMURS and the traffic calming effects of narrow streets. This issue was discussed in the assessment in my previous report, when I had observed that the analysis appeared to have been based on small cars in respect of both the car to enter/leave the site and the cars parked opposite the proposed entrance. It was also noted that the position of the car had excluded some locations where cars are known to habitually park and some further elements of obstruction such as plinth walls and railings. It was therefore considered that the analysis was based on smaller than average cars and on a wider available space than currently exists outside the entrance.

4.3.5. Taking these matters into account, together with the technical reports from the P.A., comments from the observer, and my own observations on site, I had concluded that the proposed development would endanger public safety by reason of a traffic hazard due to the vehicular turning movements that would be introduced at this location where the sightlines at the entrance are restricted and the street is both narrow and lacking in footpaths.

- 4.3.6. I remain of the opinion, therefore, that the proposed entrance to the internal garage, notwithstanding the incorporation of the proposed turntable, would give rise to a traffic hazard due to the restricted sightlines at the entrance and the narrow width of the public road at this location, which is compounded by the pattern of street parking by local residents in the vicinity of the entrance. In addition, following the adoption of a new statutory Development Plan for the Area, the arguments in favour of an off-street parking space have been considerably weakened in the meantime, as the new policy framework supports minimising or eliminating parking provision in such situations and also strongly supports the prioritisation of pedestrian and cycle-friendly environments to encourage modal shift and active travel. It is considered that the proposed development would be inconsistent with this policy approach.

#### **4.4. Environmental Impact Assessment**

- 4.4.1. The proposed development is for the construction of a single dwelling house with an integral garage, on an established urban site in a built-up area. The proposed development is not located adjacent to or hydrologically connected to any environmentally sensitive sites. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **4.5. Appropriate Assessment**

- 4.5.1. The site is located within 10km of two Natura 2000 sites. The sovereign Islands SPA (004124) and the Old Head of Kinsale SPA (004021) are located 0.6km to the south-east and 9km to the south-west, respectively. Given the distances involved and the absence of any indication of a hydrological link to the European sites, that the residential use of the site is an established one which is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise. It is considered, therefore, that Appropriate Assessment can be ruled out at this stage.



## **5.0 Recommendation**

- 5.1.** It is recommended that planning permission be refused for the reasons and considerations set out below.

## **6.0 Reasons and Considerations**

1. Having regard to the location of the site on a narrow, medieval street with an attractive streetscape comprising terraced townhouses fronting directly onto the street with pedestrian entrances which makes a positive contribution to the Architectural Conservation Area, the proposed vehicular entrance on the front façade would introduce an alien feature which would be a discordant feature that would detract significantly from the historic character of the street. The proposed development would, therefore, be contrary to the policies and objectives of the current Cork County Development Plan 2022-2028, which seek to promote Kinsale as a principal tourist destination by protecting its heritage assets including its attractive historic streetscapes and would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development which introduces a new vehicular entrance with direct access from Cork Street, would endanger public safety by reason of a traffic hazard, because of the additional turning movements the development would generate at this location on a narrow, substandard road with no footpaths, at a point where the sightlines are restricted in a northerly and southerly direction and where turning movements may be obstructed by vehicles parked opposite the entrance.

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Mary Kennelly  
Senior Planning Inspector

7<sup>th</sup> May 2024