



An
Bord
Pleanála

Inspector's Report ABP-318766-23

Development

Alterations to mixed-use building;
change of use of part of ground floor
and entire first, second and third floors
from office space to residential
comprising 3 no. studio apartments.

Location

64 St. Patrick's Street, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2342340

Applicant(s)

Majorfield Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Majorfield Ltd.

Observers

None

Date of Site Inspection

15th March 2024

Inspector

John Duffy

1.0 Site Location and Description

1.1. The appeal site (c 0.05 ha) is located at the corner of St. Patrick's Street and Grand Parade and accommodates an attractive corner end of terrace four storey commercial building dating from 1914 which is vacant. The premises was previously occupied by a building society / bank along with the adjoining unit on Grand Parade which has since been reinstated as a separate unit. The gross floor space of the building is given as 136 sqm.

1.2. The building known as St. Patrick's Buildings, while not a Protected Structure, is listed on the National Inventory of Architectural Heritage which describes it as follows:

'Corner-sited end-of-terrace three-bay four-storey commercial building, dated 1914, with chamfered corner and having oriel windows. Pitched slate roofs with octagonal chimneystacks, red brick parapet having limestone eaves course, and gabled dormer with cast-iron finial. Red brick walls with ashlar limestone string courses and date plaque. Timber casement windows to upper floors. Carved Art Nouveau-style shopfront with fixed windows, glazed doors and toplights having decorative tracery, flanked by pilasters, and having fascia, consoles and cornice above. Two-bay four-storey extension to the south.'

2.0 Proposed Development

Permission is sought for the following:

- Alterations to existing mixed-use building comprising the change of use of part of ground floor and entire first, second and third floors from office space to residential consisting of 3 no. studio apartments
- Alteration to the rear elevation to include new rear window at 2nd floor level to serve bathroom
- All associated site development works

The planning application included the following documents:

- Architectural Design Statement

- Outline Construction Management Plan
- Operational Waste Management Plan
- Site Specific Flood Risk Assessment

3.0 Planning Authority Decision

- 3.1.1. The planning authority decided to refuse permission for the proposed development for the following reason:

1. The development as proposed does not accord with the relevant standards for assessment of quality and layout of apartment developments as set out in the Ministerial guidelines Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023. The proposed units do not meet the minimum floor area requirements and it has not been demonstrated that the proposal accords with the relevant standards set out in Appendix 1 of the Guidelines. The proposed development, would, therefore, fail to provide an acceptable living environment for future residents, would be seriously injurious to the residential amenities of future occupants, and is contrary to the proper planning and sustainable development of the area.

3.1.2. Planning Authority Reports

Planning Report

The area planner's report dated 23rd November 2023 reflects the decision to refuse permission for the reason set out above at 3.1.2. The report notes the site's planning history, the policy context, and reports received in respect of the planning application. It notes that the subject site is not located within Flood Zones A and B as defined in the Flood Guidelines for Planning Authorities (2009). The report considers the proposed development to be significantly below the minimum required standards as set out in the Apartment Guidelines and the proposal would fail to provide an acceptable living environment for future occupants. Concerns raised regarding bin storage provision for the proposed development and also that the proposed change of use should not render the ground floor retail space unviable.

Both the Senior Planner and Senior Executive Planner concur with the Area Planner's report.

3.1.3. Other Technical Reports

Conservation Officer: No objection subject to conditions. Notes the building is recorded on the National Inventory of Architectural Heritage (NIAH) and its location in an ACA. The Conservation Officer visited the building and has included photographs in their report. Notes the floors have irregular footprints, the good height of the ceilings and good light levels. Concludes that the proposed scheme is sensitive to the architecture of the building and retains key elements including the staircase, windows, floors and external decorative elements including doors and shopfront. Proposal is welcomed as the building is vacant.

Drainage Division: No objection subject to conditions.

Contributions Report: No objection

3.1.4. Reports from Prescribed Bodies

Uisce Éireann – No objection subject to conditions

DAA – No comment other than to recommend consultation with IAA and AirNav Ireland

Inland Fisheries Ireland – Requests that Uisce Eireann / local authority signifies there is sufficient capacity in the public wastewater system to cater for the proposal

The following bodies were invited by the Planning Authority to comment on the proposal; no submissions were received: An Taisce, Heritage Council, Arts Council, Failte Ireland, Department of Housing, Local Government and Heritage and the Irish Aviation Authority.

3.1.5. Third party submissions / objections

None received.

4.0 Planning History

Appeal site

Planning Authority Reg. Ref. 15/36545 – Permission granted in January 2016 for the material change of use of ground and first floor from an office to a café, together with permission for new external signage.

67 Patrick Street

Planning Authority Reg. Ref. 2039535 – Permission granted in January 2021 for change of use of part of ground floor and entire first, second and third floors from office and storage use to 5 no. apartments.

5.0 Policy Context

5.1 Development Plan

- 5.1.1. The proposal was considered by the Planning Authority under the Cork City Development Plan 2022-2028. The appeal site is zoned Z5 – City Centre ‘To consolidate and facilitate the development of the central area and to promote its role as a dynamic mixed use centre for community, economic, civic, cultural and residential growth.’
- 5.1.2. Paragraph ZO 5.2 of the Plan notes that primary uses in the zone ‘include but are not limited to retail, residential uses, community uses, offices, hotels, cultural and leisure facilities, education and healthcare institutions and facilities, and uses that contribute to the vibrancy and diversity of the City Centre.’
- 5.1.3. The appeal site is located within the Core Retail Area of the city and it is also within the boundary of the Oliver Plunkett Street Architectural Conservation Area.
- 5.1.4. The provisions of the Cork City Development Plan 2022-2028 relevant to this assessment are as follows:
- Chapter 3 – Delivering Homes and Communities. Key policies include:
- Strategic Objective 2 – Delivering Homes and Sustainable Neighbourhoods
 - Objective 3.1 – Planning for Sustainable Neighbourhoods

- Objective 3.4 – Compact Growth

Chapter 11 – Placemaking and Managing Development

- Section 11.90 Apartment Design
- Section 11.91 Quantitative Standards; refers to Government Guidance in the forms of Sustainable Urban Housing: Design Standards for New Apartments
- Section 11.82 Qualitative Considerations in the Design of Apartment Schemes

5.1.5. Section 11.144 relating to ‘Living Over the Shop’ notes the local authority will encourage the residential use of the upper floors of buildings above commercial ground floor uses and consider dispensations from normal standards (such as private open space, parking and unit size) subject to an assessment of the standard of accommodation proposed.

5.1.6. **National Guidance**

5.1.7. National Planning Framework

5.1.8. This is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. In terms of Compact Urban Growth, it includes a target of 50% of new housing growth in the five cities within the existing built-up footprint, on infill and brownfield lands

5.1.9. National Policy Objective 11 is relevant in this regard, as follows: *In meeting urban development requirements, there will be a presumption in favour of development that than encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*

5.1.10. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- Section 1.3.2 relating to Compact Growth notes the following: *In order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that*

are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport

5.1.11. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023)

- These guidelines provide a range of information for apartment developments including detailing minimum room and floor areas.
- Section 6.9 states the following: ‘Planning Authorities are also requested 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. Ultimately, 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.’
- Specific Planning Policy Requirement (SPPR) 1: ‘Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).’
- SPPR 2: ‘For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25 ha

- Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e., up to 4 units) comprises studio-type units;
 - Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;
 - For schemes of 50 or more units, SPPR 1 shall apply to the entire development;
- All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.'

- SPPR 3 sets out minimum apartment floor areas, which is 37 sqm in the case of a studio apartment (1 person).
- SPPR 4 relates to dual aspect ratios and requires a minimum of 33% dual aspect apartments in a single scheme in more central and accessible urban locations. It notes that planning authorities may exercise further discretion in this regard on a case by case basis for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha.
- SPPR 5 relates to ground level apartment floor to ceiling heights to be a minimum of 2.7 m. It allows for discretion to be applied for building refurbishment schemes on sites of any size or urban infill schemes on sites up to 0.25 ha.
- Storage provision: Minimum requirements for storage are set out in Appendix 1 and storage provision for a studio apartment is given as 3 sqm. Section 3.34 states that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.

- Private amenity space and communal open space: Minimum standards are set out in Appendix 1 and the standard for a studio apartment in terms of both private and communal open space is 4 sqm. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , these requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- Bicycle storage: Section 4.15 relates to bicycle parking and storage. For studio apartments at least one cycle storage space should be provided while visitor cycle parking at a standard of one space per two units is stated. Deviation from these standards is at the discretion of the planning authority but should be justified.
- Refuse storage: Section 4.8 relates to refuse storage and notes there should be adequate provision for temporary storage of segregated materials prior to deposition in communal waste storage.

5.2. Natural Heritage Designations

The appeal site is not located within or in the vicinity of any European Site. The Cork Harbour SPA is the closest European Site located approximately 3.2 kms south-east of the proposed development. Cork Lough proposed NHA is located c 1.2 kms south-west of the subject site.

5.3. EIA Screening

The current application before the Board does not constitute a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal in relation to the decision of the Planning Authority to refuse permission for the proposed development. The grounds of appeal may be summarised as follows:

- Proposed development constitutes a sensitive redevelopment of a city centre site in a key location involving bringing a historic vacant building back into long-term active use.
- Although the building is small in size there are windows on the west, north-east, north-west and south elevations at all levels which will provide natural light to the apartments. In addition, each unit will have at least one bay window.
- Proposed apartments will be accessed through a dedicated entrance and as such there would be no impact on the ground floor commercial unit which has its own access.
- The Planning Authority's decision is fundamentally flawed as it strictly applies Appendix 1 of the Apartment Guidelines, whereby a flexible approach should be applied to older buildings. Flexibility does not appear to have been considered in the planning assessment; an excessively rigid quantitative approach has been taken.
- The decision is contrary to the advice received from the Planning Authority at pre-application stage and contradicts the Conservation Officer's supportive and positive assessment of the proposal. Other internal reports raised no concerns in respect of the proposal.
- Not all of internal reports were received at the time of the issuing of the planning report and recommendation. It is unlikely that the Conservation Officer's Report informed the recommendation and decision.
- Lack of inspection in relation to the interior of the building is evident in the assessment of the proposal.
- Acknowledge that proposed studio units fall marginally below quantitative standards however the Apartment Guidelines allow a degree of flexibility for conversion of older buildings, as set out in Chapter 6.
- Units exceed Guidelines in other respects such as floor to ceiling heights above ground floor level i.e., 2.58m on first floor, 2.82m on 2nd floor and 2.76m on third floor. Reference made to Section 3.24 of the Guidelines which

state: 'When combined with aspect, floor-to-ceiling height can significantly affect the amenities of the individual apartment unit.'

- The concern that the proposal would set an undesirable precedent is without foundation.

6.2. Planning Authority Response

No response on file.

6.3. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, the floor plans and all drawings, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of the proposal
- Conservation issues
- Compliance with Apartment Standards and Impact on Residential Amenity
- Other issues
- Appropriate Assessment

7.2. Land-use and nature of proposal

7.2.1. A wide variety of uses along with residential use are acceptable in principle within the Z5-City Centre zoning objective. The proposed development would facilitate residential growth in the inner city which is one of the main aims of the zoning objective. Furthermore, in my view the proposal would contribute to the diversity and

vibrancy of the city centre as referred to in paragraph Z05 of the Development Plan along with other benefits including economic spin-offs for the area.

7.3. Conservation issues

- 7.3.1. The subject four-storey historic building is of attractive design and is well located at a prominent corner position at the intersection of St. Patrick's Street and Grand Parade. An Architectural Design Statement was provided with the planning application and includes a photographic record of both the exterior and interior of the building. It also sets out the internal works required to facilitate the proposed development.
- 7.3.2. I agree with the Conservation Officer's assessment that the proposed scheme is sensitive to the architecture of the building. Residential use of the upper floors would undoubtedly serve to protect the historic building from decline, bring it back into active use and provide much needed accommodation in this prime city centre location, adding units to the city's housing stock.

7.4. Compliance with Apartment Standards and Impact on Residential Amenity

- 7.4.1. The scheme comprises 3 no. studio apartments, with one unit to be located on each floor above ground floor level. I note Section 6.9 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (DHLGH, 2023) requesting that the general requirements be practically and flexibly applied for, inter alia, refurbishment schemes particularly in historic buildings / 'over the shop' projects.
- 7.4.2. SPPR 2 notes that where up to nine residential units are proposed there shall be no restriction on dwelling mix, provided no more than 50% of the development comprises studio type units. There is scope for planning authorities to have some discretion in this regard. The proposal seeks to have residential use in a vacant well-located historic building. Section 6.9 as referred to above advises that planning authorities must prioritise more effective usage of existing underutilised accommodation including empty buildings and vacant upper floors. Having regard to this and the nature of this city centre site which accommodates a vacant building

constrained in terms of layout / floor plan I consider the proposed unit typology of three studio apartments to be acceptable in principle.

- 7.4.3. SPPR 3 provides minimum floor areas for apartments. The minimum size of a studio apartment is given as 37 sqm. The floor areas of all three proposed apartments in this scheme fall below the minimum required floor area, as follows:

1st floor Apartment – 30.75 sqm (c 16.9% deficit in floor area)

2nd floor Apartment – 31 sqm (c 16.2% deficit in floor area)

3rd floor Apartment – 33.5 sqm (c 9.4% deficit)

- 7.4.4. Studio apartments are the smallest apartment typology referred to in the Apartment Guidelines and I have concerns that all three units within the scheme fall significantly below the minimum floor area requirements. Upon examination of the submitted plans, there are constraints arising from the irregular floor plan configuration which mean that some areas within each unit would not be useable. Having regard to the foregoing I consider the units to be deficient in size so much so that the proposed development would negatively impact the residential amenities of future occupants.

- 7.4.5. In addition, I note that proposed internal storage provision is below the 3 sqm minimum standard, as follows:

1st floor Apartment – 1.5 sqm; 2nd floor Apartment – 1 sqm; 3rd floor Apartment – 1.5 sqm

- 7.4.6. Internal storage provision should be additional to kitchen cabinets and bedroom furniture and should accommodate household utility functions and also bulky personal or household items. While there is provision in the Apartment Guidelines to relax in part storage standards, given that the three studio units are already deficient in size I do not consider it appropriate to apply flexibility in this regard. Although the Design Statement notes that the higher ceilings on the first and second floors would be utilised to create high level storage which are suitable for items such as boxed items / suitcases, it remains the case that storage provision of the type set out in the Apartment Guidelines is below standard.

- 7.4.7. I acknowledge that in terms of SPPR 4 all three units are dual aspect and are well served by large windows, with each unit having the benefit of at least one bay window. The section drawings provided show that the floor to ceiling heights of the proposed units range from 2.58m to 2.82m which is positive in terms of amenity to future occupants.
- 7.4.8. While no private or communal amenity space is proposed, having regard to the provision of parks and recreational spaces in the vicinity of the proposed development including The Lough, Fitzgerald Park and Bishop Lucey Park, I consider it appropriate to relax this requirement in this instance.
- 7.4.9. Bicycle storage standard for studio apartments is one per unit. I note that Cork has a public bike scheme with stations located throughout the city, including one immediately proximate to the proposed development. As such I consider that a dispensation could be given in respect of bicycle storage for the proposed development.
- 7.4.10. In conclusion, having regard to the small floor areas, the constraints of the floor plan configuration which adversely impacts the useability of internal space and inadequate storage provision which falls below the minimum standards across all three proposed studio units, I consider the proposed development would negatively impact the residential amenities of future occupants. In my opinion, given the small size and configuration of the building, a reduced number of units would be more appropriate in this building.

7.5. Other issues

7.5.1. Flooding

- 7.5.2. A Site Specific Flood Risk Assessment (SSFRA) was submitted with the application and it notes the site is located in an area that has a 1% AEP probability of flooding from a fluvial event (1 in a 100 year event) and a 0.5% AEP probability of flooding from a tidal event (1 in a 200 year event). As such the proposed development is found to be in Flood Zone B. The proposed development comprising residential

development is considered to be a highly vulnerable development and indicates the requirement for a Justification Test.

- 7.5.3. The proposed development involves the change of use of part of the existing building, predominantly the upper floors, to residential use. Reference is made in the SSFRA to Section 5.28 of The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009). Given the nature of the application involving a change of use and also that the proposal is (a) unlikely to raise significant flooding issues, (b) does not obstruct important flow paths, (c) does not introduce significant numbers of people into flood risk areas and (d) does not entail the storage of hazardous materials, it is considered that the Justification Test does not apply.
- 7.5.4. From the submitted information and the available information I am satisfied with the findings of the SSFRA. The proposed development does not involve any change to the building's footprint and will not cause an increased flood risk elsewhere.
- 7.5.5. Part V
- 7.5.6. Should the Board be minded to grant permission, given that the proposal relates to provision of residential units within an existing building, Part V of the Planning and Development Act 2000 as amended relating to provision of social and affordable housing does not apply in this instance and as such no Part V condition is required.

7.6. Appropriate Assessment Screening

- 7.6.1 Having regard to the nature of the proposed development, the location of the site in a serviced urban area, the absence of a hydrological or other pathway between the site and European sites and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission for the proposed development be refused for the reason and considerations below.

9.0 Reasons and Considerations

1. Section 11.91 of the Cork City Development Plan 2022-2028 relates to quantitative standards for apartments and in this regard refers to the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.' The latest edition of the Guidelines, published in 2023, sets out minimum standards for studio apartments in relation to, inter alia, floor areas and storage provision. All proposed studio apartments in this scheme fall below the minimum standards in terms of floor areas and storage provision. Furthermore, the constraints of the floor plan configuration adversely impact the useability of the internal floor area. As such, the proposed development comprises a substandard form of development which would seriously injure the residential amenities of future occupants. The proposed development would, therefore, be contrary to the Cork City Development Plan 2022-2028, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2023), and the proper planning and sustainable development of the area.

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

John Duffy
Planning Inspector
30th May 2024