



An
Bord
Pleanála

Inspector's Report 302369-18.

Development	Demolition of existing buildings to provide for additional car parking.
Location	St. Pauls Garda Credit Union, Boreenmanna Road, Cork
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	1837929.
Applicant	St. Pauls Garda Credit Union.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party.
Appellants	St. Pauls Garda Credit Union
Observer(s)	None.
Date of Site Inspection	29 th November 2018.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is in an established residential estate in the south eastern suburb of Ballintemple of Cork city. The site has frontage onto the northern side of Boreenmanna Road a major traffic artery connecting suburban areas to the centre of Cork City. The general area is predominantly residential with residential development to the east and north of the appeal site. To the west of the site is a commercial use. There are two access points off Boreenmanna Road into the site.
- 1.2. On the site itself there are a number of buildings. Set back within the site are two number three storied buildings one of a traditional design and a more recent modern building one located behind the other which are in use as a credit union. In close proximity, to the site's eastern entrance and on either side of the driveway into the site are two buildings, one single storied and the other two storied, which are both vacant and which initially would appear in the past to have been dwellings one possibly a gate lodge to a larger property. The other entrance to the west serves as the main entrance to the credit union.
- 1.3. There is parking provided throughout the site between the two credit union buildings, along part of the eastern boundary and in the southwestern area of the site in front the credit union in closest proximity to the road with 36 spaces currently provided. The roadside boundary is currently defined by a wall.
- 1.4. The site has a stated area of 0.27 hectares.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 7th of June 2018 was for the demolition of two existing buildings in the southern corner of the site to provide for additional car parking increasing the overall number of spaces to 54. It is proposed to retain the two current accesses. It is also proposed to replace the current stone boundary wall with a new boundary incorporating a lower wall 800mm in height of cut limestone with a rail and piers above this wall to an overall height of 2000mm. It is also proposed reposition the security barrier into the site.

2.2. In a cover letter reference is made to the planning history of the site and that one the buildings to be demolished was granted planning permission for a change of use to office use. It is considered that the two buildings are unviable as residential units.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission. One reason was stated which refers to the site's location close to the city centre and on a transportation route; policies at national and local level in relation to sustaining residential development; limited availability of development plan in the city, objective ZO4 and other provisions of the current city development plan and in this context that the loss of dwelling units would be contrary to the terms as stated in the development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 23rd of July 2018 refers to;

- The planning history.
- Policy context in relation to the city development plan.
- Submissions received.
- An assessment of the issues including principle of the development and policy in the context of paragraph 16.78 and it is considered that in principle the proposal is not acceptable.
- Additional car parking it is considered is not warranted.
- Refusal was recommended.

3.2.2. Other Technical Reports:

Environment report dated the 11th of July 2018 indicates no objections.

Roads Design Report dated 18th of July 2018 recommends refusal of the development as it is contrary to the objectives of the city development plan to provide for sustainable modes of transport.

Drainage report dated the 18th July 2018 indicates no objections.

3.2.3. Other submissions

Irish water in a submission dated the 24th of July 2018 indicate no objection to the proposed development.

4.0 Planning History

Planning history relating to the site.

Permission granted for a credit union and extensions to the credit union building on the site since a grant of planning permission under P.A. Ref. No.04/29123.

There have been subsequent permissions for amendments and revised parking on the site.

One of the buildings which is the subject of this appeal was granted planning permission for a change of use from residential to office use under P.A. Ref. No. 0125095.

5.0 Policy Context

5.1. Development Plan

5.1.1. The current operative plan is the Cork City Development Plan 2015-2021.

5.1.2. As part of the core strategy in chapter 2 of volume 1 it is a stated goal is to increase population and households in a sustainable city. The housing strategy as stated in chapter 6 also has an overriding objective to increase housing supply in the city.

5.1.3. Chapter 15 of the plan relates to land use objectives. The site is zoned ZO 4 Residential, Local Services and Institutional Uses. Within the zoning the provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area.

Section 15.3 refers to non-conforming uses and indicates that *“in relation to change of use, expansion and intensification of uses which do not conform to the zoning objectives for an area, the City Council will consider each case on its merits having regard to the impact on the surrounding environment. This policy will not apply in the North and South Docks areas where the overall redevelopment objectives for the area will prevail (Chapter 13)”*.

This is further stated in Objective 15.1 Non-conforming uses *“Where uses exist as non-conforming uses it is the policy of the City Council to facilitate their continued operation provided they do not seriously detract from the zoning objectives for the area or from residential or other amenities”*.

- 5.1.4. Chapter 16 of the plan relates to development management and outlines standards in relation to development.

Paragraph 16.78 specifically refers to the demolition of existing residential buildings.

Indicating that *“National policy and City Council policy is to increase the city’s population and to increase the general density of development throughout the city to achieve this. This has brought pressure for the intensification of existing areas of the city and for the demolition of existing lower density dwellings. This is of concern for three main reasons:*

- *Many buildings predate suburban development and make a very significant contribution to the overall character and distinctiveness of an area, though often of modest architectural significance in themselves. This would include farmhouses, artisan cottages and other building types;*
- *Buildings are of architectural merit (either in their own right or as part of a group, whether or not they are protected on a statutory basis);*
- *It generally results in the loss of larger housing stock;*
- *Demolition, rather than re-use, may not be energy efficient as it represents a loss of the embodied energy in the existing building”*.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appellant c/o HWP in a submission dated the 16th of August 2018 refers to;

- Reference is made to the previous council support for the operation and expansion of the credit union on the site.
- The two buildings in question have been uninhabited and in commercial use for a considerable amount of time prior to their current state of vacancy.
- Neither building presents a viable prospect of providing residential accommodation or population growth either now or into the future. They would also not provide an acceptable level of residential amenity.
- The buildings were acquired by the credit union to provide better access and security.
- A credit union by its charter is restricted to only using buildings for the conducting of its business.
- The assessment of the planning authority has considered its appraisal incorrectly based on the planning history and viability of the residential amenities of both buildings.
- The development is consistent with national and local policy and the conversion of both buildings to residential development would not achieve better housing choice and quality.
- The conversion to residential development would not represent a reasoned response to the surrounding pattern of development or its context. The site is dominated by a credit union and a site with established commercial use solely since 2001.
- There is limited scope for adaptability with an appreciable loss of the limited amount of private open space currently available.
- There would be an absence of privacy and amenity for the properties.

- The site represents an area of 0.05 hectares which is a limited area in relation to land availability.
- The site zoning does permit local services and a credit union could be considered a local service although it is identified as a retail office in the plan.
- The credit union is a long established non-conforming use and their use is provided for in 15.1 of the city development plan.
- The credit union is unique as it is only one of two Garda credit unions in the country and is different to local credit unions and this results in members travelling from a large area when there is a need to attend the credit union in person.

6.2. Planning Authority Response

The planning authority in a response dated the 4th of September 2018 indicates that the planning authority has no further comments in relation to the appeal.

7.0 Assessment

- 7.1. The proposed development which is located on a site currently in use as a credit union is for the demolition of two existing buildings in the southern corner of the site to provide for additional car parking increasing the overall number of spaces to 54. It is also proposed to retain the two current accesses serving the site and to replace the current stone boundary wall with a new boundary incorporating a lower wall 800mm in height of cut limestone with a rail and piers above this wall to an overall height of 2000mm.
- 7.2. The stated reason for refusal by the planning authority refers to the site's location close to the city centre and on a transportation route; policies at national and local level in relation to sustaining residential development; limited availability of development plan in the city, objective ZO4 and other provisions of the current city development plan and in this context the loss of dwelling units would be contrary to the terms as stated in the development plan.

The applicant in appealing the decision to refuse permission contend that the two buildings in question have been uninhabited and in commercial use for a

considerable amount of time prior to their current state of vacancy. In relation to the buildings in question neither building presents a viable prospect of providing residential accommodation or population growth either now or into the future. They would also not provide an acceptable level of residential amenity. As a consequence, the assessment of the planning authority has considered its appraisal incorrectly based on the planning history and viability of the residential amenities of both buildings.

7.3. Principle of the development.

The main provisions relevant to this appeal are outline in section 5 of this report. The overriding goals of the plan refer to increasing population and households in a sustainable city and in the housing strategy as stated in chapter 6 also to increase housing supply in the city which are I consider are reasonable and consistent with national policy.

The appeal site is within the ZO 4 zoning where the provision and protection of residential uses and residential amenity is a central objective of this zoning. The site is, however, not in residential use and section 15.3 and objective 15.1 which refers to non-conforming uses indicate facilitating their continued operation provided they do not seriously detract from the zoning objectives for the area or from residential or other amenities.

I note reference in the planning report to paragraph 16.78 of the plan which specifically refers to the demolition of existing residential buildings. It is, however, important to state that the two buildings which are to be demolished are not in residential use and have long established office and non-residential use. The current proposed development requires therefore to be considered for what has been applied for and that the proposal does not entail the demolition of two habitable dwelling units. Whether permission is granted or refused does not necessarily infer that residential use will occur on the site.

Given the long established use of the larger area of the site as a credit union through planning permissions which have facilitated ongoing expansion, also that there is planning permission within the section of the site where the two buildings are located for a permitted non-residential use it is reasonable to consider that the principle of the development can be considered as provided for in objective 15.1 of the plan

which refers to non-conforming uses and which facilitates their continued operation provided they do not seriously detract from the zoning objectives for the area or from residential or other amenities.

In relation to the issue of residential or other amenities the appeal site and the adjoining site to the east are established commercial use and the site fronts onto a major road and I do not therefore consider that the development as proposed would seriously detract from residential or other amenities. The principle of the development as proposed can therefore be considered.

7.4. Layout and design.

In relation to development as applied for the issue to be considered is whether the use of the site for additional parking is appropriate and whether the revised boundary treatment is appropriate.

The planning authority roads design report recommended refusal of the development as it is contrary to the objectives of the city development plan to provide for sustainable modes of transport.

In the grounds of appeal referring to this matter while promoting sustainable modes of transport is recognised reference is made to the unique circumstances of the credit union on the site indicating that the membership base is not a typical local base but it is an occupational based membership drawing from a wide regional base necessitating diverse and long journeys to the site by car for many members. This has resulted in the need to provide increased onsite parking.

In this context the additional car parking provision is I consider reasonable given the nature of the credit union located and permitted on the site.

In relation to the design and layout of the car parking I would have no objections.

In relation to the boundary treatment it is proposed to replace the existing boundary wall with a new boundary treatment incorporating a lower wall 800mm in height of cut limestone with a rail and piers above this wall to an overall height of 2000mm.

The general area has diverse range of boundary treatments and the proposed boundary with associated landscaping is I consider acceptable.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.6. EIAR Screening Determination

The development does not constitute a class of development for which EIA is required.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the planning history of the site, the established and permitted uses on the site and the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the amenities of the area or property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees and vegetation, specifying which are proposed for retention as features of the site landscaping
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period
 - (iii) The species, variety, number, size and locations of all proposed landscaping trees and shrubs which shall comprise predominantly native species
 - (iv) Details of roadside planting
 - (vi) Hard landscaping works, specifying surfacing materials and finished levels.
 - (b) A timescale for implementation.

Reason: In the interest of visual amenity.

3. The proposed front boundary wall and entrance shall be as indicated on the submitted drawings the exact location of which shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Derek Daly
Planning Inspector

4th November 2018