



An  
Bord  
Pleanála

## Inspector's Report ABP-305013-19

### Development

Demolition of prefabricated structures and construction of a single storey community building with outdoor play area, alterations to site layout to provide new car parking spaces, and gating of remodelled site entrance.

### Location

Wilton Park House, Cardinal Court, Wilton, Cork.

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

18/38178

### Applicant(s)

Bishopstown Community Association

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 17 conditions

### Type of Appeal

Third Party -v- Decision

### Appellant(s)

Eileen Coffey

### Observer(s)

None

### Date of Site Inspection

2<sup>nd</sup> October 2019

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in the south western suburbs of the city in a residential area to the south west of the Cork University Hospital and the Wilton Shopping Centre. This site is accessed from the north off the Bishopstown Road (R849) via residential streets comprised in the housing estates known as Bishopscourt and Cardinal Court. It is accessed for pedestrians off the former estate and for pedestrians, cyclists, and drivers off the latter estate.
- 1.2. The site itself is flat and of irregular shape it. This site extends over an area of 0.36 hectares and it accommodates an existing two storey building known as Wilton Park House (442.24 sqm). This House is used as a senior citizens social centre. It is sited centrally in the main body of the site and it is orientated in a manner whereby its principal elevations face south east and south west. The former elevation is visible from the main entrance to the site and the latter elevation is visible across an open grassed area, which is traversed by a footpath.
- 1.3. The site also accommodates a row of single storey prefabricated buildings (339.89 sqm), which are the subject of a variety of uses, i.e. a creche, a men's shed, and a church. They are sited in a position adjacent to the site's eastern boundary. This boundary is of doglegged alignment and so it changes from a north/south axis to a north north east/south south west axis. The south eastern elevation to the House corresponds with the latter axis and the prefabricated buildings, likewise, step into the site at this point and so they lie forward of the said elevation.
- 1.4. The House has a single storey extension on its north western elevation and within the adjoining yard there is a container, polytunnel, and a fenced in play area. This yard is continuous with tarmacked areas that encircle the House and connect with the main entrance. These areas provide on-site car parking spaces.
- 1.5. The site is open along those boundaries that abut Bishopscourt Drive, to the west, and the cul-de-sac within Cardinal Court, to the south. Elsewhere it is bound by blockwork walls.

## 2.0 Proposed Development

- 2.1. The proposal would entail the following elements:

- a) The construction within the curtilage of Wilton Park House, a protected structure, of a new single storey community building (533.61 sqm) to accommodate community services/groups currently accommodated in existing prefabricated buildings (339.89 sqm) on the site, including existing Naionra Thigh pre-school and after care facility with an accompanying new secure outdoor play area.
- b) Alterations to the existing site layout to include new designated car parking area with provision for electric car charging and 2 disabled car parking spaces, and a new covered bike storage.
- c) The construction of a new low-level wall and decorative metal fencing with a pedestrian access gate and manual vehicle gates at the existing entrance.
- d) The construction of a new low-level wall and decorative metal fencing with a pedestrian access gate along the south western boundary adjoining the neighbouring residential estate.
- e) The carrying out of the required demolition of the prefabricated buildings on site in a phased manner related to the proposal.
- f) All associated site works.

2.2. At the appeal stage, the applicant submitted revised plans of the proposal by way of response to the appellant's grounds of appeal. These plans show the new single storey community building (522.82 sqm) as being stepped back to a greater degree from the northern boundary of the site, which abuts the appellant's residential property, i.e. from between 1073 and c. 1300mm to between 2767 and 3482mm.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following receipt of further information, permission was granted subject to 17 conditions, the second of which caps the provision of car parking spaces at 20 and requires that 15 bicycle stands be provided.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Further information sought concerning the following: access arrangements to comply with DMURS, details of pedestrian access from Cardinal Court and Bishopscourt Drive, clarification on site layout presentations, details of drop off/collection points, provision of pedestrian routes within the proposed car park, clarification on the number of car parking spaces, estimates of maximum numbers of staff and visitors, reconciliation of proposed and existing lighting, and a phasing plan.

### 3.2.2. Other Technical Reports

- Cork Airport: Further information requested with respect to noise.
- Dublin Airport Authority: Noise condition requested.
- Irish Water: No objection, standard advice.
- Cork City Council:
  - Drainage: No objection, subject to conditions.
  - Roads Design: No objection, subject to conditions.
  - Environment Waste Management & Control: No objection, subject to conditions.
  - Transport & Mobility: Following receipt of further information, no objection, subject to conditions.

## 4.0 Planning History

- 01/25431: Retention of prefabricated buildings for community use: Permitted.
- 06/31002: Single storey structure to rear of Wilton Park House: Permitted.
- 06/31367: Retention of existing prefabricated buildings: Permitted, temporarily.
- Pre-application consultation occurred on 18<sup>th</sup> September 2018.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying within an area zoned ZO 4 for residential, local services, and institutional uses. The proposed community building would be appropriate in this zone.

Wilton House Park House on the site is a protected structure (CDP ref. 1034) and it is also an entry in the NIAH (reg. no. 20869001).

### 5.2. Natural Heritage Designations

- Cork Harbour SPA (site code 004030)
- Great Island Channel SAC (site code 001058)

### 5.3. EIA Screening

Under Items 10(b)(iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.36-hectare site in an urban area. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant resides at 25 Cardinal Court.

- Attention is drawn to the appellant's sun room, which is sited in a position 5.4m from the proposed 5.7m high building, i.e. 4.2m to the boundary wall and 1.2m beyond this wall. This room would receive less light, it would be

overlooked, and the presence of the said building would be “intimidating”. Her health and well-being, privacy, and amenities would all be adversely affected.

- The submitted plans omit the aforementioned sun room.
- While the appellant has no objection to the community services that would be provided, she considers that her concerns have not been addressed.

## 6.2. Applicant Response

- The applicant acknowledges that its assessment of overshadowing of the appellant’s residential property did not originally factor in the presence of the sunroom.
- Revised plans have been submitted which show the full footprint of the dwelling houses to the north of the site, including the appellant’s one.
- These plans also show an increase in the set back of the proposed building from the common boundary from 1.2m to 3.4m, thereby increasing the separation distance that would arise between it and the appellant’s sunroom to 8.5m. (Thus, the floorspace of this building would contract from 533.61 sqm to 522.82 sqm with consequential revisions to the hipped roof, which would have ridge and eaves heights of 5.42m and 3.12m, respectively).
- The corresponding portion of elevation to the said sunroom would be of solid form and so no overlooking would arise.
- An assessment of overshadowing based on the revised proposal shows that an imperceptible increase would occur during winter months and no change would arise during summer months.

## 6.3. Planning Authority Response

No comments.

## 6.4. Observations

None.



## 6.5. Further Responses

The appellant has responded to the applicant's response as follows:

- She acknowledges that the revisions made would reduce the visibility of the proposal from within her residential property.
- She seeks clarity on the precise separation that would now ensue, i.e. she estimates that this would be 7.32m.
- She contests the "imperceptible" description of overshadowing during the winter months and continues to object to the same. Accordingly, she requests that a further set back be made.

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the current application/appeal should be considered under the following headings:

- (i) Land use, visual amenity, and conservation,
- (ii) Residential amenity,
- (iii) Traffic, parking, and access,
- (iv) Water, and
- (v) Screening for Stage 1 AA.

### **(i) Land use, visual amenity, and conservation**

7.2. Under the CDP, the site is zoned ZO4 for residential, local services, and institutional uses. Under the proposal, the existing cluster of community uses that occur on this site would continue. These uses are appropriate ones under the said zoning.

7.3. Wilton Park House is a protected structure, which is accompanied on its eastern side by a row of prefabricated buildings. These buildings are of utilitarian design and appearance and so their presence detracts from the setting of this protected structure. The southern end of this row of buildings turns into the site with the line of the corresponding eastern site boundary. Consequently, this end lies in front of the south eastern principal elevation of the House and so it both obscures this elevation

and forms the first visible built form to meet users of the site on their arrival through the main entrance to the south from a cul-de-sac on Cardinal Court. It is also visible from along the footpath that passes through a grassed area on the western pedestrian approach from Bishopscourt Drive. To the east, the uppermost part of the row of prefabricated buildings is visible above the eastern boundary wall to the site that abuts an area of public open space within Cardinal Court.

- 7.4. Under the proposal, the row of temporary prefabricated buildings would be removed and it would be replaced by a new permanent single storey community building that would be sited in a position adjacent to the north eastern and north western elevations of Wilton Park House. This building would thus be sited behind the building lines of the principal south eastern and south western elevations to this House. Consequently, its relationship with the protected structure would be a more comfortable one than that which pertains at present and so the setting of the same would be respected. Visual amenity would likewise be enhanced.
- 7.5. I conclude that the proposal would be appropriate in land use terms and it would afford the opportunity for the setting of the protected structure on the site to be respected to a greater degree than that which pertains at present. Likewise, the visual amenities of the area would benefit.

**(ii) Residential amenity**

- 7.6. The proposed community building would be of single storey form under a double pitched roof, which would incorporate hipped gable ends. The “L” shaped footprint of this freestanding building would “wrap around” the northern corner of Wilton Park House and it would “fit” into the north western and north eastern corners of the site. The outer point of the “L” would be “flattened” to correspond with the adjacent northern boundary of the site and it would be at this point that the building would partially correspond to the appellant’s residential property.
- 7.7. Under the proposal, the existing row of prefabricated buildings to the east of the site would be replaced by the proposed community building to the north east/north west of this site. Thus, residential properties to the north of the site, including the appellant’s, would correspond to a greater extent with the proposed building than they do with the existing prefabricated buildings.

- 7.8. The appellant resides at No. 25 Cardinal Court, a mid-terrace two storey dwelling house with a single storey sun room to the rear. She draws attention to the omission of this sun room from the application stage plans and she expresses concern that the proposed community building, which would be due south of this sun room, would lead to a loss of light to and outlook from it. She also expresses concern that this building would be overbearing.
- 7.9. The applicant responded to the appellant at the appeal stage by submitting plans that show the said sun room and that also bring forward revisions to the proposed building whereby it would be set further back from the northern boundary to the site. A cross section of the relationship that would ensue shows that there is a wall along the said boundary and the rear elevation of the sun room would correspond with a corner in the proposed building: Thus the western half of the rear elevation of the sun room would relate to a roughly parallel portion of the new elevation, while the eastern half would relate to a diagonal portion that “runs away” from it.
- 7.10. The eaves height of the aforementioned new elevation would be 3120 mm and the ridge height would be 5424 mm. Accordingly, the eaves line and the hipped edge to the two roof planes at the aforementioned corner would be visible above the 2000 mm high boundary wall. The separation distance between the rear elevation of the sun room and this wall is 5416 mm and the separation distance between the new elevation and this wall at the closest point would be 3121 mm. Thus, at its tightest point the separation between corresponding elevations would be 8537 mm. As originally proposed, this distance would have been 6489 mm, and so the applicant has set back its proposed building by 2048 mm.
- 7.11. The submitted cross section shows that a 25-degree angle of sunlight would continue to be available to the rear elevation of the sun room in the presence of the proposed community building. Likewise, a corresponding outlook over the ridgeline of this building would be available. The presenting new elevation would be blank. Any activity that may occasionally arise between this elevation and the boundary wall would be screened by this wall.
- 7.12. The applicant has also submitted at the appeal stage a shadow/daylight assessment of the proposal, which demonstrates that it would have no impact upon the lighting of

the appellant's sun room for the majority of the year and in the winter months of November, December, and January it would have an imperceptible impact only.

- 7.13. The applicant acknowledges that the impact of the proposal upon the amenities of her residential property would be eased under the above cited revised plans. However, she considers that the outstanding impact could be eased again, by a further set back in the proposed community building.
- 7.14. I note that under most development scenarios in built-up areas there is an inevitable impact upon existing properties. I note, too, that, under the planning system, a view has to be taken as to whether such impact is excessive and thus unreasonable. In the present case, the applicant has responded to the appellant's amenity concerns by re-siting its proposed building and incurring a slight loss of floorspace in the process. The resulting building would not, in my view, have an excessive impact upon the amenities of the appellant's property. Thus, lighting would be safeguarded, outlook would change but not to the extent that the new building would be overbearing.
- 7.15. I conclude that the proposal, as revised, would be compatible with the residential amenities of the area.

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

- 7.16. Under the proposal, the existing prefabricated buildings (339.89 sqm) would be replaced by a new community building (522.82 sqm). An increase in floorspace of 182.93 sqm (53.82%) would thus ensue. The potential thus exists for the site to generate an increase in traffic movements, although this needs to be viewed in the context of the locally based nature of the community uses.
- 7.17. At present the hard-surfaced area around Wilton Park House is not formally laid out for parking. During my site visit, on a Thursday lunchtime there were 5 cars parked in this area.
- 7.18. Under the proposal, the grounds of the said House would be formally laid out. Thus, the area between this House and the proposed community building would be a pedestrian precinct and the remaining area adjoining its principal elevations would be formally laid out to provide 21 car parking spaces, including 2 mobility impaired ones, a mini-bus standing space, and 5 bicycle stands. Footpaths would also be

formally laid out in conjunction with landscaped and seated areas and the open boundaries to the site would be enclosed and their entrances gated.

- 7.19. Under condition 2 of the draft permission, the Planning Authority requires that the number of car parking spaces be capped at 20 and that the number of bicycle stands be increased to 15. It also requires that electric vehicle parking be provided for in accordance with the CDP.
- 7.20. I welcome, in principle, the applicant's proposals for the grounds of Wilton Park House. At the level of detail, I consider that there would be merit in looking again at the line of the proposed footpath along the eastern boundary of the site. In this respect, I am concerned that the "roundabout" route of this footpath would militate against its use in practise and so its revision to approximate to desire lines to the main entrance of the House and the pedestrian area to its side should be explored under a condition. If, as a result, a car parking space needs to be forfeited, then the Planning Authority's cap would be achieved.
- 7.21. I conclude that, while the proposal may result in a slight increase in traffic movements, the formal layout of the grounds for car parking would ensure the efficient use of spaces. Bicycle parking should be provided for to a greater extent than that proposed and pedestrian facilities should be revised in the interests of ensuring their optimum use.

#### **(iv) Water**

- 7.22. The site is served by the public water mains and the public sewerage system. Under the proposal, existing connections would continue to be utilised. Irish Water has raised no objection.
- 7.23. The OPW's flood maps do not show the site as being the subject of any identified flood risk.

#### **(v) Screening for Stage 1 AA**

- 7.24. The site is neither in nor near to a Natura 2000 site. The nearest such sites are Cork Harbour SPA and Great Island Channel SAC. The site is an urban one that is served by the public sewerage system. In these circumstances, I do not consider that the proposal would be likely to have a significant effect upon the Conservation Objectives of these Natura 2000 sites.

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

## 8.0 Recommendation

8.1. That permission be granted.

## 9.0 Reasons and Considerations

Having regard to the Cork City Development Plan 2015 – 2021, it is considered that, subject to conditions, the proposal would fulfil the land use zoning objective for the site, it would respect the setting of Wilton Park House, the protected structure on this site, and it would enhance the visual amenities of the area. This proposal, as revised, would be compatible with the residential amenities of the area and it would ensure that the grounds of the House are laid out to facilitate efficient car and cycle parking. The proposal would be served by the existing public water mains and public sewerage system and no Appropriate Assessment issues would arise. It would thus accord 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 the further plans and particulars submitted on the 14<sup>th</sup> day of June 2019 and by the further plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> day of August 2019, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Fifteen bicycle stands shall be provided.</p> <p>(b) One car parking space shall be provided with a functioning electric vehicle charging point and one car parking space shall be provided with ducting to facilitate the provision of such a charging point in the future.</p> <p>(c) The proposed footpath along the eastern boundary of the site shall be re-routed insofar as this would be desirable to ensure a more direct means of access to the main entrance to Wilton Park House and the adjacent pedestrian area.</p> <p>(d) A waste storage area that is demonstrably of an appropriate size for the community uses on the site shall be provided.</p> <p>(e) External lighting for the site that accords with the Planning Authority's requirements shall be provided.</p> <p>(f) The community building shall be demonstrably designed to ensure a satisfactory level of noise mitigation against future growth in air traffic at Cork Airport shall be provided.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to promote the use of sustainable modes of transport, to facilitate pedestrian access, to protect public health and safety, and to ensure a satisfactory standard of amenity to future users.</p>
3.	<p>Details of the materials, colours and textures of all the external/surfacing finishes to the proposed community building and the pedestrian facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p>

	<b>Reason:</b> In the interest of public health.
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
7.	<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 provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	The site shall be landscaped in accordance with a comprehensive scheme



	<p>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:</p> <p>(a) A plan to scale of not less than 1: 200 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(ii) Hard landscaping works, specifying surfacing materials, furniture and finished levels.</p> <p>(b) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
9.	<p>Prior to the installation of any external signage either on or freestanding signage for the community building, a scheme, providing details of such signage, shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of orderly development and visual amenity.</p>

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Hugh D. Morrison  
 Planning Inspector

11<sup>th</sup> November 2019