



An
Bord
Pleanála

Inspector's Report ABP 310730-21

Development	Single storey steel container to contain workshop, toilet, tea room and meeting area.
Location	Brian Dillons Hurling and Football Club, Murmount Road, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/39694
Applicant	Mayfield Mens Shed
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. grant
Appellant	David P. McGrath
Observer(s)	None
Date of Site Inspection	18/08/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.023 hectares is immediately adjacent to the club hall of Brian Dillions Hurling and Football Club which is accessed from Murmount Road in the north-eastern suburbs of Cork City. It is also known as the Tank Field. The grounds comprise a club hall with playing pitches served by a car park immediately adjoining the appeal site. A palisade fence encloses the club hall and its curtilage. The site straddles the said fence comprising the area immediately adjoining the hall and the grass verge of the said car park. Springfort housing estate bounds the grounds to the south

2.0 Proposed Development

The application was lodged with the planning authority on the 25/11/20 with further plans and details submitted 26/05/21 following a request for further information dated 27/01/21.

The proposal, as amended, entails the erection of a steel container to be used as a meeting place for Mayfield Men's Shed members. The container is to have a stated area of 72 sq.m. Its placement on the site will require the repositioning of the perimeter palisade fence.

Timbers battens to be affixed to the container and planting along the western elevation are proposed to soften the visual impact

The location is considered the optimum within the grounds.

Consent from the landowner (Brian Dillions Hurling and Football Club) accompanies the application.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 27/01/21

- The proposed 'men shed' project use is a beneficial recreational use and will create more community utilisation of this open area.
- It will be located on a hard surfaced area, clustered with existing buildings and will not impinge on existing green space.
- Given the small scale and temporary nature of the container the proposal would not be contrary to the zoning objectives and will provide an amenity facility appropriate at this location.
- It is not clear if it is sited on land not under lease from the GAA club.
- The relocation of the fencing could compromise the car park at this point.
- The relocation of the shed recommended.

Further information recommended.

The above assessment and report was endorsed by the Senior Executive Planner.

The 2nd Area Planner's report dated 21/06/21 following further information recommends a grant of permission subject to conditions. The recommendation was endorsed by the A/Senior Executive Planner.

3.2.2. Other Technical Reports

Senior Parks and Landscape Officer in a report dated 27/01/21 notes that the container would appear to be on land not under lease to Brian Dillions Hurling and Football Club. The positioning of the container east of the club pavilion will be visible from the adjoining amenity space and would not be visually appealing. A more suitable location should be identified. A refusal of permission recommended.

Drainage Section has no objection subject to conditions.

Contributions report – none applicable.

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised relate to containers on the site, sub-letting of the land, appropriateness of use and lack of open space in the area.

4.0 Planning History

The planning history on lands to the west of the clubhouse associated with the adjoining school is set out in the Area Planner's report.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan, 2015

The site is within an area zoned ZO14 public open space, the objective for which is to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing lands zoned public open space areas for alternative purposes, including public open space within housing estates.

5.2. Natural Heritage Designations

None in the vicinity.

5.3. Environmental Impact Assessment

Having regard to the nature and extent of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- There is a condition attached to the lease granted by Cork City Council to the GAA club precluding sub-letting of the land. It is leased for use for sports purposes. A men's shed does not comply with same.
- The shed appears to be within the safety corridor of the overhead power line which comprises a danger in view of the steel construction with the flat roof accessible by youths.
- There is a deficit of public open space in north-east Cork City. The Tank Field is one of the few and possibly only flat open green area available to residents for sport and recreation.
- The shed design is deficient with inadequate details provided.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

I consider that the issues arising in the case relate to the acceptability of the proposal relative to the zoning provisions for the area and visual impact.

7.1.1. Zoning Provisions

The site in question is immediately adjoining the existing hall associated with Brian Dillions GAA club. The majority of the site is within the area enclosed by the palisade fence around the perimeter of the building with the remainder comprising part of the grass verge to the car park. As per Map 5 of the City Development Plan the site is within an area zoned ZO14 public open space, the objective for which is to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing lands zoned public open space areas for alternative purposes. I note that the zone is bounded to the east and west by the sports grounds zoning objective (ZO13). In view of the existing pattern of development I would more appropriately attribute the sports grounds zoning to the site and I note that it is included within the equivalent zone in the Draft Cork City Development Plan 2022 (sports grounds and facilities - ZO17).

The site, itself, does not form part of the functional open space area in terms of the playing pitches associated with the club and, by reason of its location and condition, forms the curtilage of the club hall and is not used for recreational or sports use with little, if any, potential for such. I submit that the proposed development to provide accommodation for a 'mens' shed' which is a non-profit organisation, the purpose of which is to provide space for social interaction and craftwork with the aim of aiding the health and wellbeing of men, would accord with the spirit of the zoning objective and provides for a community facility. It would be ancillary to the use of the site for open space and recreational purposes. I therefore consider that the proposal does not contravene the zoning provisions for the area and is acceptable.

7.1.2. Visual Impact

The positioning of the shed will require the realignment of the existing palisade fence which would have no impact on the car park spaces immediately to the east. Timber battens are to be fixed to the north, south and east elevations to soften the appearance of the container with planting along the perimeter fence proposed to

provide for a level of screening. In the context of its location immediately adjacent to the club hall the said proposals are acceptable in terms of protecting the visual amenities of the area.

7.1.3. **Other Issues**

The issue of whether the GAA club's lease allows for sub-letting or provision of such type development is a matter of contract rather than legal interest for the purpose of making a planning application. Having regard to the provisions of s.34(13) of the Planning and Development Act 2000, I do not consider that this matter is relevant to the determination of this appeal.

The proposed shed is to be setback over 21 metres from the 110kV overhead power line. In terms of electrical clearances under the Electricity (Supply) (Amendment) (No.2) Act, 1934 there is a statutory requirement for persons to give notification in writing of their intention to build within 25 yards (22.86 metres) of the centre line of an existing OHL transmission circuit.

Surface water disposal will be required to comply with the local authority's requirements for same.

There is adequate space within the curtilage of the shed to allow for storage (if required) away from public view. As noted above the fence surrounding the site is to be backed with planting which will assist in screening the proposal.

I note the concerns regarding escape and suitability of finishes in terms of fire safety in addition to heating and ventilation. These are matters for consideration under separate legislative codes. A perimeter guard rail to the flat roof is not considered to be necessary.

7.1.4. **Appropriate Assessment**

Having regard to the nature and scale of the development on a fully serviced site within Cork City and the separation distance to the nearest European site, it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combinations with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity and the zoning provisions for the site in the current Cork City Development, it is considered that subject to compliance with the conditions set out below the proposed development would be acceptable in terms of scale, design and use, and would not seriously injure the amenities of the area or of property in the vicinity. 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 as amended by the further plans and particulars submitted on the 26th day of May 2021, 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 developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

3. Drainage arrangements including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Details of the proposed planting along the western site boundary and timescale for its implementation shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

Pauline Fitzpatrick
Senior Planning Inspector

August, 2021