



An
Bord
Pleanála

Inspector's Report ABP-306193-19

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| Development | Permission for front porch extension to main entrance of Eurospar convenience store and shop front signage. |
| Location | Main Street, Mosestown, Whitegate, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 19/6337 |
| Applicant | Kevin and Mary Day |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party v. Refusal |
| Appellant(s) | Kevin and Mary Day |
| Observer(s) | None |
| Date of Site Inspection | 18 th March 2020 |
| Inspector | Fergal O'Bric |

1.0 Site Location and Description

- 1.1. The appeal site comprises a rectangular shaped area at the main entrance to the Eurospar convenience store which fronts onto the Main Street (R630) within the centre of the village of Whitegate in south-east Cork. The convenience store extends further south along the Main street and east of the appeal site. The convenience store has retained the residential appearance along the street frontage with varying ridge heights and buildings lines maintained within its footprint. The ground floor area is commercial with residential use at first floor level. The proposed porch extension has a stated area of fifteen square metres (sq. m.) and would comprise a single storey flat-roofed glazed structure.
- 1.2. The site is bound to the north by existing commercial and residential development that front onto the Main Street, to the south and east by the existing Eurospar convenience store which fronts onto the Main Street, to the west by the Main Street (R630) and the estuary, on the opposite side of the Main Street. Cars park along the street frontage outside of the convenience store. There are also several manholes within the street pavement at this location providing access to various service providers.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
 - a. Single storey ground floor porch extension at existing main entrance to Eurospar convenience store (floor area of 30 square metres as per the drawings submitted and stated to be 15 square metres as per the planning application form)
 - b. Shop front signage/advertisement
 - c. All other ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for two reasons as follows:

Reason Number 1: The proposed development would endanger public safety by reason of traffic and pedestrian hazard because of the serious pedestrian and vehicular conflict which it would generate on the adjoining public footpath and roadway by moving the supermarket entrance closer to the public road and by reducing the existing public footpath width for all pedestrians and vulnerable public footpath users in the entire area.

Reason Number 2: The application site appears to be on land that is not within the control of the applicant. Without evidence that the applicant has control over the lands, it is not appropriate or in the interest of proper planning and sustainable development to permit the development.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

There are two Planning Officer reports on the public file, both dated the 18th November 2019, one seeking further information in relation to issues raised by the Area Engineer. The issues related to: Ownership of the piece of ground at the front entrance to the convenience store; Proof of ownership of the piece of ground in question; Modifications to the proposals ensuring that public safety is not compromised. A second planning report recommends a refusal of planning permission for the two reasons set out in Section 3.1 above and this report was endorsed by the Senior Executive Planner and a refusal of planning permission was subsequently issued.

3.2.2. *Other Technical Reports*

- Area Engineer: Refusal recommended.

3.3. Prescribed Bodies

- Irish Water: No objection, subject to conditions.

4.0 Planning History

Subject Site

Planning Authority reference 18/6552. Permission was granted in 2018 for the construction of a two storey extension to the south (side) elevation of the existing Eurospar convenience store and associated steel-clad goods inwards entrance(ii) the construction of a single storey extension to the east (rear) elevation (111) the re-design of the overhead car parking spaces (iv) the installation of shop advertisement signage to the front elevation and all ancillary site works (v) retention of a single storey ground floor extension to the east (rear) elevation which is now to be replaced by the proposed extension at 9ii) above and (vi) demolition of the extension described at (v) above. These works permitted on foot of this permission are underway at present.

Planning Authority reference 09/4347. Permission was granted in 2009 for the demolition of existing adjoining dwelling and construction of building with separate ground floor retail unit, storage area for adjoining shop premises and one first floor apartment and retention of modifications to previously permitted mixed use development (04/1863) and (06/6026) to include demolition of party walls, alterations, rear extension, use of ground floor as extension to existing adjoining shop and change of use of first floor office to two apartments.

Planning Authority reference 06/4024. Permission was granted in 2006 for the construction of a porch extension to shop and refuse store to rear.

5.0 Policy and Context

5.1. East Cork Municipal District Local Area Plan 2017

- 5.1.1. The appeal site is located within the key village of Whitegate/Aghada as per the East Cork Municipal District Local Area Plan 2017. Retail uses are permissible in principle under this zoning objective.
- 5.1.2. Whitegate & Aghada Is designated as a Specialist Employment Centre, to reflect its role in the storage and processing of strategic energy resources

5.2. Cork County Development Plan, 2014

- 5.2.1. The appeal site is located within the Cork Metropolitan Strategic Planning Area as identified within the Development Plan.as an area zoned Town Centre. The proposed extended retail use is acceptable in principle under this zoning objective.
- 5.2.2. Section 16.103-provides guidance on shopfront signage.

5.3. *National Guidance*

- Retail Planning Guidelines, 2012

5.4. Natural Heritage Designations

None Relevant.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal was submitted from the applicant against the decision of Cork County Council to refuse planning permission. The concerns raised in the appeal relate to working with the Local authority towards finding a revised layout design for the porch entrance which would appease the Local Authority's concerns in relation to

traffic and pedestrian safety and additional documentation demonstrating that the applicants are the legal registered owners of the piece of ground in question.

6.2. **Planning Authority Response**

The Planning Authority did not make additional comments to those made within the planning reports.

7.0 **Assessment**

7.1. A number of extensions and alterations have been permitted/developed at the Eurospar convenience store as recently as 2018 to the east of the site (presently under construction). The appeal site is located within an area which is primarily commercial and residential. Therefore, the principle of the proposed extension is considered acceptable and compatible with the character of the area and with the zoning objective.

7.2. The main planning issues in this appeal relate to the narrowing of the footpath width and the impact that this would have upon traffic and pedestrian safety and the issue of ownership of the piece of ground which is the subject of this appeal. The issue of signage will also be addressed. Appropriate Assessment requirements are also considered. The issue of flooding will also be addressed. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Parking and Traffic.
- Land Ownership.
- Signage/advertisements
- Flooding
- Appropriate Assessment.

7.3. *Parking and Traffic*

- 7.3.1. The applicants are proposing to erect a porch extension at the existing entrance point to the Eurospar convenience store. The footpath is four metres wide at this point. The proposed extension would reduce the footpath width to approximately one metre.
- 7.3.2. Concerns have been expressed by the Area Engineer that the reduction of the footpath width at this point would endanger traffic and pedestrian safety.
- 7.3.3. Cars park along the street frontage at this point and the opening of a car door onto a one metre wide footpath would provide an impediment to pedestrians on the footpath. A one metre footpath could also be problematic for those who are wheelchair bound or those using perambulators. It was also noted that there are a number of service providers have access manholes (five in total) within the footpath in front of the current convenience store entrance and no proposals for their access has been made within the current plans.
- 7.3.4. Currently the retail unit is operating and has been since as a convenience store at least 2006 (as per the planning history set out within the planning report). No dedicated on-site car parking is proposed to serve the proposed development. However, the proposal is for a porch extension and the use would be ancillary to the retail use on site. However, on-street parking is available along the Main Street, Whitegate. Within the Development Plan the current site is within the identified development boundary of Whitegate and Aghada and is zoned as town centre and, therefore, the principle of an extension is considered acceptable.
- 7.3.5. It is further considered that the reduction of the footpath width along the street frontage of the convenience store would potentially impact upon both traffic and pedestrian safety by virtue of creating impediments which do not exist with the current layout. It is considered that the proposals would dis-improve safety for pedestrians and patrons emanating from the supermarket with heavy trolleys.
- 7.3.6. The proposals could increase the potential for conflict between vehicular and pedestrian movements along the street frontage of the convenience store. Having

regard to the layout proposed, with the supermarket doors opening directly out onto the Main Street and onto a one metre wide pavement, that the proposals would exacerbate the potential for collision between pedestrian and vehicular traffic and cause impediment to passing pedestrians and would therefore, endanger public safety by reason of a traffic hazard, and exacerbate road and pedestrian safety issues. I note the comments of the Area Engineer of Cork County Council in this regard.

7.4. Land Ownership

7.4.1. The issue of land ownership arose during the course of the planning application. The Planning Authority noted that this area was included outside of the blue line land ownership within their 2018 planning application. However, within the current planning application, the area under appeal is included within their blue line ownership boundary. The issue of ownership was used as the basis for refusal reason number two. The Local Authority state that they maintain this area, and that this area provides manhole access to a number of service providers.

7.4.2. As part of their appeal response, the applicants have submitted correspondence in the form of maps and certification from a Consultant Engineer and witnessed by a solicitor that the lands in question are within the applicant's ownership. I am satisfied, therefore, that the second reason for refusal is not warranted given that it is apparent that the lands in question are within the ownership of the applicants.

7.5. Signage/Advertisement

7.5.1. The applicants are seeking to erect additional advertisement signage as part of their development proposals. I would have concerns in relation to the proliferation of signage onto the front of the convenience store which faces the Main Street and Estuary

7.5.2. In order to manage the proliferation of commercial signage pertaining to the convenience store along the Main Street and so as not to undermine the commercial viability and vitality of the permitted commercial entity on site, it would be appropriate to permit some signage on site. This matter could be addressed with the Planning Authority in order to provide a suitable scale and level of signage on site.

7.6. **Flooding**

- 7.6.1. A small portion of the appeal site is located within Flood Zone B. Given that this development pertains to a minor development Section 5.28 of the The Planning system and Flood Risk Management Guidelines 2009 is applicable where it states that: Applications for minor development such as small extensions to houses, and most changes of use of existing buildings and /or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances.
- 7.6.2. In this int, the development would not introduce a significant number of new people onto the site, no hazardous materials would be stored and no flow paths would be obstructed. The planning application submitted on this site under planning authority reference number P18/6552 included a site-specific flood risk assessment which deemed that the development would not exacerbate the risk of flooding on site. Therefore, it is not considered that the proposed development would exacerbate the risk of flooding on site or on adjacent lands.

7.7. ***Appropriate Assessment.***

- 7.7.1. Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from 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.

8.0 **Recommendation**

- 8.1. It is recommended that permission be refused.

9.0 Reasons and Considerations

Having regard to the location of the proposed porch extension fronting directly onto the Main Street, which would narrow the pavement to approximately one metre, with the main convenience store entrance egressing directly onto the narrowed path, it is considered that the proposals would endanger public safety by reason of a traffic and pedestrian hazard, because of the vehicular and pedestrian conflict that the proposals would generate on the adjoining footpath and Main Street by moving the convenience store entrance closer to the public road. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

10.0 Reasons for Refusal

- 1 The proposed development would endanger public safety by reason of a traffic and pedestrian hazard because of the pedestrian and vehicular conflict which would arise on the adjoining public footpath and roadway by moving the supermarket entrance closer to the public road and by reducing the existing footpath width for all pedestrians and vulnerable public footpath users in the area. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal O'Bric
Planning Inspector

17th April 2020