



An
Bord
Pleanála

Inspector's Report ABP-303653-19

Development	The change of use from a bank to an Event Centre.
Location	AIB Building, 3 Upper Main Street, Ardmanagh, Schull, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/667
Applicant(s)	Fastnet Film Festival
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	Martin and Bridie Healy
Observer(s)	None
Date of Site Inspection	9 th May 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located in the centre of Schull, at a prominent location at the junction of Main Street and Ardmanagh Road. The subject site comprises a five-bay two-storey end of terrace building, with a gross floor area of approx. 368sqm. The building is listed on the National Inventory of Architectural Heritage, reference number 20840010. It was built in c. 1935 with later extensions to the rear.
- 1.2. There are steps and a ramp located to the front of the building, on the public footpath. The building was previously in use as an AIB Bank.
- 1.3. The site is bound to the south (front) by Main Street, to the east (side) by Ardmanagh Drive, to the west (side) by a two-storey residential dwelling and to the north (rear) by a vehicular access associated with the adjoining residential property and a funeral home.
- 1.4. The site is located within a flood zone.

2.0 Proposed Development

- 2.1. The proposed development comprises the following: -
 - Alterations to, and partial demolition of, the existing building including the demolition of a two-storey rear annex and northern façade, the demolition of single storey outbuildings and a single storey pop-out structure on the eastern elevation, the removal of external and internal walls / partitions
 - Modifications to the existing elevations including a new entrance doorway on the western elevation, the erection of advertising banners on the front and side elevations and the removal of an existing ramp / steps on the front elevation and replacement with new steps.
 - The construction of a part single, part two storey extension to the rear including a terrace at first floor level.

- The change of use of the building from a bank to an Event Centre, to include film screening room(s) / stage areas, ancillary offices, storage and archive rooms, kitchen and catering facilities including a fixed bar for catering purposes and supporting plant / utility rooms.
- The installation of street furniture, railings and landscaping works, and all other associated works.

2.2. An Architectural Heritage Impact Assessment, a Flood Risk Assessment, details of the pallet of materials and proposed railings and confirmation of the structural stability of the existing building have been submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 10 no. conditions. The relevant conditions are noted below: -

Condition 2: Omitted the concrete panels and required the external materials to be agreed with the Planning Authority.

Condition 3: omitted the banners from the front elevation.

Condition 4: required signage to be agreed with the Planning Authority

Condition 6: required a method statement be prepared by a suitably qualified conservation architect / built heritage consultant / or similar.

Condition 7: required the Architectural Heritage Impact Assessment be revised to include details of the interior of the structure on a room by room basis.

Condition 8: Required the mitigation measures in the Flood Risk Assessment to be implemented.

Condition 9: Omitted the bollards and guard rail on Ardamanagh Road.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The Area Planners Report and Senior Executive Planners Report recommended that permission be granted subject to conditions.

3.2.2. *Other Technical Reports*

Conservation Officers: No objection

Area Engineer recommended that further information be sought with regard to the following:

- The guardrail and bollards should be removed
- The road layout should have regard to the Design Manual for Urban Roads and Streets.
- The existing wheelchair access on the front elevation should be retained and the proposed wheelchair access on the side elevation be omitted.
- A Flood Risk Assessment is required

Estates Report: No objection

Environmental Report: No objection.

3.3. Prescribed Bodies

Irish Water: No objection.

The ***Environmental Health Officer*** of the HSE recommended conditions.

3.4. **Third Party Observations**

A third-party objection was received from Martin and Bridie Healy, whose residential properties adjoin the subject site. The concerns raised are similar to those in the third-party appeal submission.

4.0 **Planning History**

Subject site

Reg. Ref. 14/729: Permission was granted in 2014 for modifications to the existing building and the change of use to residential.

Reg. Ref. 09/694: Permission was granted in 2009 for a disabled access to the building from Main Street.

Adjoining Site

Reg. Ref. 08/1664: Permission was granted for the demolition of an existing house and the construction of 2 no. houses at no. 2 Main Street.

5.0 **Policy and Context**

5.1. **West Cork Municipal District Local Area Plan, 2017**

Schull is identified as a Main Town in the Local Area Plan. The site is located within the 'Existing Built Up Area' of Schull and is zoned T-01 - Town Centre.

5.2. **Cork County Development Plan, 2014**

Relevant policies of the Plan are set out below: -

SC1-1: Social and Community Infrastructure Provision.

SC 2-1: Multi- Use Community Facilities

TO 6-1: Cultural Tourism

TCR 2-1: Town Centre

HE 6-1: Arts

TCR 13-1: Shopfronts

5.3. **National Guidance**

The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)

5.4. **Natural Heritage Designations**

The site is located approx. 330m west of Roaringwater and Islands Special Area of Conservation (site code 0101).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third-party appeal was received from Martin and Bridie Healy whose property adjoins the appeal site to the west. The issues raised are summarised below: -

- The subject site is bound to the west by residential properties, 2 and 2A Main Street, with vehicular access to the rear. The design of the development did not take account of the existing amenities of adjoining residential properties. The

scale of the proposed extension is excessive and would have an overbearing impact and overshadow the rear private open spaces associated with the adjoining houses.

- The first-floor extension and the roof terrace should be omitted. This would reduce the impact on the existing building, which is listed in the NIAH, and the adjoining properties and streetscape. The roof terrace would also result in undue noise and disturbance.
- The location of the new access door on the western elevation of the building should be omitted.
- Detailed information regarding the day to day operation of the event centre has not been provided. In particular the hours of operation, lighting, noise, catering, ventilation and in particular details are required regarding how the kitchenette and bar will operate and where the plant is located.
- No car parking or set down area are provided as part of the development. There are concerns that the proposed development could result in a traffic hazard and road safety issues.
- There are concerns regarding the structural stability of the building and the impact the construction phase would have on the adjoining properties.

6.2. Applicant Response

The applicant addressed the concerns raised in the appeal and submitted a Daylight / Sunlight study. The response is summarised below: -

- The proposed development would be of benefit to Schull as there is no purpose-built community hall in the village.
- The development would encourage films to be shot and produced in West Cork and would have a positive benefits for local business.

- The proposed development is in accordance with Development Plan policies and the objectives of the West Cork Municipal District Local Area Plan.
- The subject site is located within an urban setting and a precedent has been set for similar style extensions in other locations.
- The Appellants own the public house and 2 no. houses located in the terrace and have carried out alterations and extensions to these properties. They are aware of the 'Town Centre' zoning objective which allows for mixed use developments.
- The location of the windows will ensure that there is no undue overlooking of the adjoining properties.
- The development is not overbearing. The proposed height is similar or lower than surrounding structures.
- The proposed extension is less imposing than that granted under Reg. Ref. 18/1644.
- The provision of a convenient disabled access point is an essential requirement for any community facility. It is not intended that the disabled access will be used as an additional access to the building. Having regard to the proximity of the site to an existing public house, with an outdoor seating area, and the previous location of the ATM on the side elevation of the building, the location of the disabled access would not have a significant impact on the existing residential amenities.
- The site is located within a town centre. There is no requirement for a dedicated service / delivery area.
- The terrace and the catering service are ancillary to the Event Centre, there is no need to restrict either facility.

- There is no objection to standard conditions being attached to a grant of permission regarding lighting, ventilation and noise.
- It is acknowledged that the construction phase will result in temporary inconvenience. However, a construction management plan will ensure the impact would be minimal.
- A petition, signed by local business owners, in support of the development has been included with the submission.

6.3. Planning Authority Response

No further comments.

6.4. Further Responses

The Appellants

The Appellants have responded to the submission by the Applicant. The submission reiterated the issues raised in the appeal and noted the following: -

- No clarity was provided regarding how the Event Centre will be operated and managed or how the development will be constructed. It is unclear how the development can be constructed without impacting on the adjoining property.
- The applicant did not take the opportunity to address the alternative layouts proposed in the appeal.
- The development is overbearing, and the wider context of the site is not relevant.
- There are 3 no. existing buildings in Schull which are available for community uses, including the Parish Hall on Main Street.

- The original house on Main Street was redeveloped to provide 2 no houses in 2008. It was not envisioned at the time that the bank building which is on the NIAH would be redeveloped.
- Each development should be assessed on its merits and precedent from other parts of Cork are not relevant.
- The public footpath outside the subject site is sinking. This would have an impact on the proposed location of the disabled access.
- The proposed use will result in people loitering outside the adjoining property.
- The Daylight / Sunlight Study is not an adequate assessment.
- The petition was unclear, and individuals were unsure what they were signing.

The Applicant

The Applicant has responded to the submission by the Appellant. The submission reiterated the issues raised in the original submission and addresses the concerns raised by the Appellants. A letter from an Engineer has been submitted noting that the extension can be constructed without impacting on the boundary wall. The submission is summarised below: -

- The intended use of the building has been clearly outlined in the public notices and the application. Due to the nature of the use it is not possible to provide a detailed account of its day to day operation.
- A description of the development was included on the top of the petition, which was submitted to the Board. Local businesses support the development.
- The re-development of the site without the proposed extension is unreasonable.
- The re-location or omission of the disabled access is not acceptable and would negatively impact on the viability of development.

- The design of the development has already been scaled down during pre-planning discussions with the appellants.

7.0 **Assessment**

7.1. The main issues in this appeal relate to the grounds of the appeal. Issues relating to flood risk and Appropriate Assessment are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenity
- Traffic
- Flood Risk
- Appropriate Assessment

7.2. ***Principle of Development***

The site is located in an area zoned T-01 – Town Centre. It is proposed to redevelop an existing building, which is of architectural significance and located on a prominent corner in the centre of Schull, to provide a community-based Events Centre with an emphasis on film and theatre.

The appellants have stated that they have no objection in principle to the redevelopment of the former AIB Bank building, however, they have serious concerns regarding the scale of the rear extension and the negative impact it would have on the existing building, which is listed on the NIAH, and on the character of the area.

It is acknowledged that the proposed rear extension is substantial, and the change of use would impact on the character of the building, however, having regard to the high-quality design of the extension, the sensitive redevelopment of an existing building, which is listed on the NIAH, and the positive impact that the proposed use would have

on the vitality of Schull, it is my view that the proposed use is compatible with the town centre zoning and would be acceptable in principle

7.3. ***Built Heritage***

- 7.3.1. Concerns have also been raised in the appeal that the proposed development would have a negative impact on the existing building and on the character of the area.
- 7.3.2. The extension is bound by a residential property to the west, a funeral home to the north and Ardmanagh Road to the east. While the existing building is visually prominent, the proposed rear extension would be generally inconspicuous from Main Street.
- 7.3.3. An Architectural Heritage Impact Assessment was submitted with the original application, which includes a history of the building and a photographic survey. It notes that the interior of the building is not of heritage significance, and that it is intended to conserve the significant exterior elements of the former bank.
- 7.3.4. The proposed rear extension is a contemporary design and the external materials generally comprise of architectural concrete slabs and panels. A glazed section with timber louvres links the proposed extension to the existing building. In my opinion the scale, form, height and materials of the extension complements the existing historic building.
- 7.3.5. In conclusion, it is considered that the proposed extension has been sensitively designed to ensure it does not negatively impact on the heritage value of the existing building or on the existing visual amenities of the area.

7.4. ***Residential Amenity***

- 7.4.1. It is proposed to demolish an existing rear extension and outbuildings (168sqm GFA) and construct a part single, part two storey rear extension (219sqm GFA). A part open and part enclosed first floor roof terrace (56sqm GFA) is provided above the ground floor extension. The proposed works result in a development that has a 100% site coverage.

Overbearing and Overshadowing.

- 7.4.2. The subject site is bound to the west by an existing residential property, no. 2A Main Street. The proposed rear extension sits at the western boundary wall with no. 2A Main Street. Concerns have been raised that the proposed extension would have an overbearing impact on the adjoining residential property.
- 7.4.3. The applicant has stated that the extension is a vital component of the redevelopment of the building and that the extension has been designed to ensure a minimal impact on adjoining properties.
- 7.4.4. The single storey element of the extension has a maximum height of approx. 3.5m and extends for the entire length of the site, (approx. 11.8m) along the western boundary, with no. 2 A Main Street. Due to level differences, the height of the two-storey element varies from 6.2m to 7.2m, for approx. 9.2m along the western boundary.
- 7.4.5. Drawing no. FFF/PB-05A provides a comparison between the existing western elevation and the proposed. It is noted that the first floor rear extension projects a further 5m beyond the rear building line of the existing building. It is also noted that the proposed first floor rear extension projects approx. 4m beyond the rear building line of the adjoining residential property, no. 2A Main Street.
- 7.4.6. While it is acknowledged that the proposed extension is of a high-quality contemporary design the length and height of the proposed extension along the boundary with the adjacent property does create the potential for an overbearing impact.
- 7.4.7. The extension is however a vital component of the redevelopment of the site and viability of the project. Consideration should also be had to the sites location within an existing built up urban area, the zoning objective for the site, and the significant benefits the proposed development would have on the vitality of Schull. Having regard to the above, it is my opinion that the proposed extension is considered acceptable in this instance.

7.4.8. Concerns were also raised regarding the potential for undue overshadowing of the adjoining property. The proposed extension would be located to the east of no 2A Main Street. A sunlight and daylight study was submitted in response to the appeal, which shows the proposed development will have a minimal impact in terms of overshadowing. Having regard to the orientation of the site and the information submitted in the sunlight and daylight study it is considered that the proposed development would not unduly overshadow the existing residential property.

Noise Disturbance – Roof Terrace

7.4.9. The development includes a roof terrace (approx. 56sqm). The proposed roof terrace is enclosed along the western boundary and partially along the northern boundary. It has a flat roof with a height of approx. 7.2m. The terrace is open along the eastern boundary with Ardmanagh Road. Concerns were raised in the appeal regarding the proximity of the roof terrace to existing residential properties and the potential for noise and disturbance. The applicant has stated that the terrace would be ancillary to the event centre,

7.4.10. The subject site is located within the centre of Schull and it is noted that there is a public house located approx. 20m west of the subject site, with an associated outdoor seating area. Therefore, having regard to the existing uses in close proximity to the subject site, it is considered that the provision of a partially enclosed outdoor terrace, which is ancillary to an event centre, would not result in a significant negative impact on existing residential amenities in terms of noise and disturbance. However, to safeguard the existing amenities of the area it is recommended that the hours of operation of the terrace be restricted. The applicant has stated that due to the nature of the development it is not possible to provide information regarding the day to day operation of the events centre. Therefore, having regard to the nature of the use it is recommended that a condition be attached that the applicant agree the hours of operation with the Planning Authority.

7.5. *Access Arrangements*

- 7.5.1. New pedestrian accesses are proposed to the building from the rear (north), via steps, and from the side (east). It is proposed to remove the existing steps and ramp from the front (south) and replace them with new steps and a new disabled access is proposed from the side (west).
- 7.5.2. The new disabled access is located approx. 1m from the front building line of no. 2A Main Street. There are concerns from the third party that the disabled access would be used as a general access to the building, with potential for noise disturbance and loss of privacy for existing residents of no. 2A Main Street. In response to the appeal the applicant has stated that this access is intended for disabled access only and will not be available for general use.
- 7.5.3. It is noted that there was previously an ATM located on the western elevation of the building, in a similar location to the proposed disabled access. Having regard to the context of the existing houses, on a terrace in the Main Street of Schull, adjacent to an existing public house with associated outdoor seating area and the previous location of the ATM, it is my view, that the provision of disabled access approx. 1m from the front elevation of no. 2A Main Street would not negatively impact on the existing residential amenities, in terms of loss of privacy or noise disturbance. However, it is recommended that a condition be attached to any grant of permission that this access door be used for disabled access only and should not be available for general use.

7.6. **Traffic**

- 7.6.1. Concerns have been raised that servicing and deliveries associated with the proposed development would result in a traffic hazard. The subject site is located in the centre of Schull at the junction of Main Street and Ardmanagh Road. There are a number of existing commercial uses along Main Street, in close proximity to the subject site, which would have similar servicing and delivery arrangements, in particular a public house and a funeral home.

It is acknowledged that there is no set down or designated car parking for the site. However, having regard to the provision of on-street car parking along sections of Main

Street and the proximity of the site to public car parking it is considered that sufficient car parking / set down areas are provided within the town centre to accommodate vehicular movements and servicing requirements of the proposed development. In my opinion the proposed development would operate in a similar manner to other commercial uses in Schull and would not result in a traffic hazard or generate any road safety issues.

7.7. Flood Risk

- 7.7.1. The site is adjacent to a water course and is located within Flood Zone A, as identified on the OPW South Western Catchment Flood Risk Assessment and Management (CFRAM) Study (see attached OPW Map). In Flood Zone A the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding). The OPW flood maps indicate a number of recurring and single flood events in the vicinity of the site.
- 7.7.2. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed use is considered a less vulnerable development. In accordance with Table 3.2 of the guidelines a Justification Test is required for a less vulnerable use in Flood Zone A. However, the guidelines also notes that for minor proposals which relate to existing buildings, which are unlikely to result in significant flooding issues, the sequential approach cannot be used to relocate them in lower risk areas, and the Justification Test will not apply, unless the proposal would obstruct an important flow paths, introduce a significant additional number of people into a flood risk area or relate to the storage of hazardous substances. However, a risk assessment should accompany any application and should demonstrate that the proposed development would not have an adverse impact or impede access to a watercourse, floodplain or flood protection and management facilities.
- 7.7.3. The proposal has been the subject of a site specific Flood Risk Assessment which indicates that the proposal is a less vulnerable development and that the proposed would not increase the risk of flooding. The assessment also notes that there is no local knowledge of the site being subject to flooding and that the existing and proposed

finished floor levels ensures that flooding of the building would not occur. The document also contains mitigation measures to minimise flood risk to people, property, the economy and the environment, and recommends measures to ensure residual risks can be managed. It is proposed that a flood resilient design will be incorporated into the construction methodology.

- 7.7.4. It is noted that the Planning Authority's Area Engineer raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would conclude that the proposed development would adequately satisfy the flood risk concern.

7.8. ***Appropriate Assessment***

- 7.8.1. The appeal site is located approx. 330m west of Roaringwater and Islands Special Area of Conservation (site code 000101). The SAC supports a diverse range of qualifying interests, including marine and terrestrial habitats, five of which are listed under the EU Habitats Directive, Otter, Grey Seal and Harbour Porpoise, and supports important sea bird colonies. The SAC also supports a large number of plants, which are rare or scarce in Ireland. The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species.
- 7.8.2. The potential pathways for impacts on the Roaringwater and Islands SAC are confined to potential discharge of contaminated run-off during construction work. There is a culverted water course approx. 20m south of the site, which runs to the SAC. However, there is no direct link to the SAC.
- 7.8.3. The site is located in a serviced urban area and in the absence of a pathway to the SAC there is no likely effects.
- 7.8.4. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Roaringwater and Islands Special Area of Conservation, European Site No. 000101, or any other European site, in view of the

site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.'

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

10.0 Having regard to the 'Town Centre' zoning objective of the subject site, the pattern of development in the area and the small scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

11.0 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the historic fabric of the building.

3. Prior to commencement of development the applicant shall agree, in writing, the hours of operation of the Event Centre with the planning authority.

Reason: In the interest of amenities of property in the vicinity.

4. The bar and catering facilities shall be used solely in connection with the Event Centre, except with a prior grant of planning permission .

Reason: To protect the amenities of the area.

5. The proposed access on the western (side) elevation of the building shall be solely used as a disabled access and shall not provide general access to the building.

Reason: in the interest of residential amenity.

6. Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the historic fabric of the building.

7. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area

8. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Elaine Power
Planning Inspector

20th May 2019