



An
Bord
Pleanála

Inspector's Report ABP-310784-21

Development	Demolition of rear extensions and internal stairs and construction of shop extension
Location	Main Street, Skibbereen, Count Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/00008
Applicant(s)	John J. Field
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Gerard Connolly
Date of Site Inspection	19 th October, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development consists of Nos. 24-27 Main Street, Skibbereen in West Cork. The buildings comprise part of a terrace and are three-storey structures at a prominent location on the south side of Main Street at the junction with North Street. The structures are in use as a supermarket at ground floor level and are otherwise used as associated storage, office space, or other ancillary uses at the upper levels. Nos. 24 and 25 are protected structures and the site lies within the designated Skibbereen Town Centre Architectural Conservation Area (ACA). The site is bounded by other commercial premises, including the appellant's property to the east of the site. There is a public car park to the rear of the premises.

2.0 Proposed Development

2.1. The proposed development would comprise:

- (i) Demolition of rear extensions and internal stairs at 27 Main Street,
- (ii) Construction of a two-storey extension extended building with a single storey to the rear amalgamated into the existing Supervalu building for retail use at ground floor level and staff facilities and storage at first floor level,
- (iii) Raising the ground and first floor levels of the existing building at No. 27 Main Street,
- (iv) Increasing the width of the entrance door to Supervalu at 26 Main Street,
- (v) Amalgamating the front part of newsagents (No. 24 Main Street, a protected structure) into the existing café, with two opes to be formed in the separating wall at ground floor level, and the rear part of the existing newsagents into the supermarket for retail/office use,
- (vi) Revising the configuration of the fire escape stairs at the rear of the newsagents,
- (vii) Widening the existing fire escape door at the rear of the newsagents
- (viii) Constructing an external stepped fire escape walkway from the first floor staff facilities to the first floor at the rear of the newsagents,

- (ix) Carrying out internal alterations at first floor level in the supermarket building (No. 26 Main Street),
- (x) Constructing a single-storey extension to the south-western side of the rear of the existing building,
- (xi) Constructing a single-storey extension to the south-eastern side of the rear of the existing building,
- (xii) Change the use of the bakery to a home deliveries store on the south-western side of the rear of the existing building, and
- (xiii) Construct an enclosed external fire escape stairs from the first floor level on the south-eastern side of the rear of the existing building.

2.2. Details submitted with the application included a Planning Statement, an Architectural Heritage Impact Statement, and a Waste Management Plan.

2.3. Unsolicited further information was submitted on 23rd and 24th February 2021 in response to third party submissions.

3.0 Planning Authority Decision

3.1. Decision

On 14th June 2021, Cork County Council decided to grant permission for the proposed development subject to 22 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, third party submissions and reports received. A recommendation was made to seek further information based on the Conservation Officer's and Environment Officer's reports and Irish Water's submission.

3.2.2. Other Technical Reports

The Estates report referred to the site being within Flood Zones A and B. The proposals were considered minor in the context of the Flood Risk Management

Guidelines, comprising refurbishment and extension to an existing retail outlet in the town centre. There was no objection to the proposal.

The Area Engineer recommended that permission be granted subject to a schedule of conditions.

The Environment Section considered the applicant's waste management plan to be acceptable. A request for further information was recommended relating to noise management.

The Conservation Officer considered concern remained relating to the systematic successive amalgamation of contiguous properties in the long term for the Architectural Conservation Area and requested clarification on this issue. Further information was also requested requiring the omission of the demolition of the party wall at ground floor level between Nos. 26 and 27, reduction in the number of demolitions of historic walls between Nos. 26 and 27, clarity on the function and significance of structures to be demolished, the omission of demolition of masonry between Nos. 24 and 25, clarity on other works within Nos. 24 and 25, production of a design for the shopfronts of Nos. 26 and 27 based on historic sources, and the restoration of the front façade of No. 27 with sash windows.

3.3. Prescribed Bodies

The Health Service Executive recommended that a construction management plan should be implemented and that a traffic management plan be put in place prior to the construction stage.

Irish Water recommended that further information be sought to exclude the two proposed single storey extensions and revision of the entrance tower and relocation of the external staircase to address the location of a foul sewer. Proposals to dispose of surface water were also sought.

3.4. Third Party Observations

Objections were received from Gerard Connolly and Denis Collins with concerns relating to property impact, drawing inconsistencies, noise pollution, impact on

residents in the town centre, overshadowing of commercial premises, the development being out of scale with the streetscape, access for maintenance, construction nuisance, and impact on access.

3.5. A request for further information was issued on 5th March, 2021 and a response to this request was received on 19th May, 2021. Revisions submitted included the omission of the two extensions to the rear, the reduction of the two-storey tower section at the rear entrance of the shop, the removal of the external staircase, and reduction in proposed internal demolition works between buildings.

3.6. The reports to the planning authority were as follows:

The Environment Section considered the further information to be acceptable and had no objection subject to the attachment of a schedule of conditions.

The Area Engineer recommended that permission be granted subject to a schedule of conditions.

Irish Water had no objection to the proposal.

The Conservation Officer reiterated concerns relating to the amalgamation of contiguous properties in the centre of the historic town. It was considered that the proposal had optimised, to a reasonable level, the relationship between demolition and retention of modern and historic fabric and that, on balance, there was no objection such to a number of conditions.

The Planner noted the reports received and recommended that permission be granted subject to a schedule of conditions.

4.0 **Planning History**

P.A. 15/481

Permission was granted for the demolition of a trolley bay and internal stairwell and the construction of a two-storey extension and trolley bay.

P.A. 19/764

Permission was refused for the extension and redevelopment of the existing supermarket because of the impact arising from the proposed demolition of No. 27 Main Street and the effect on the ACA.

5.0 Policy Context

5.1. Skibbereen Town Development Plan 2009-2015

Zoning

The site is zoned 'Town Centre'.

Town Centre

The Plan notes that Main Street is within the 'Historic Quarter' of the town and is the town's prime commercial street.

Objectives for the town centre include the following:

Objective TC3

Promote the town centre and primarily the retail core as the primary location for retail provision.

Objective TC4

Protect existing ground floor retail use in the town centre from non-retail uses.

Objective TC5

Encourage greater retailer representation in the town centre and facilitate the development of new stores on appropriate town centre sites.

Objective TC6

Promote and encourage the reuse and redevelopment of existing vacant and derelict properties.

Policies include:

Policy TC4 Town Centre Design

Any new development within the town centre shall be required to respect the heritage and architectural character of the street ...

Architectural Heritage

The site is located within the town's Architectural Conservation Area (ACA).

Nos. 24 and 25 Main Street are protected structures.

Heritage policies include:

TM1-3

Proposals for development of protected structures shall be encouraged where those proposals:

- (a) Contribute to the continued maintenance and repair of the structure; and/.or
- (b) Maintain existing usage or provide a new use compatible with the character of the structure or its setting.

TM2-1

Proposals involving re-use, change of use, new build and extension of buildings and structures in ACAs shall only be permitted where it can be clearly demonstrated that development will

- (a) Reflect and respect the scale, massing, proportions, design and materials of existing structures and reflect the character of the area and its streetscape;
and
- (b) Retain important exterior architectural features that contribute to the character and appearance of the ACA; and
- (c) Where it is not possible to retain the existing features, make use of natural local materials.

5.2. EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant is an adjacent landowner of No. 22 Main Street. The grounds of the appeal may be summarised as follows:

- There were no eastern elevation drawings submitted. This should be provided as the applicant is proposing to widen the existing fire escape door. This elevation is in clear view to the public.
- The further information shows that the rear annex to No. 24 is to be demolished. This is an additional proposal and the appellant has been excluded from making observations on this.
- The planning authority requested the relocation of the proposed external enclosed fire escape stairs on the south-east side of the rear of the building. The further information shows this has now been omitted and no alternative location is provided. This has a knock-on effect as the sole fire escape for the supermarket leads onto the appellant's laneway. The appellant should not be put in a position to maintain a clearway for the applicant's fire escape.
- There are anomalies and confusion relating to the information on refrigeration and, as a neighbouring resident, the appellant is concerned about noise pollution. Accurate information should have been provided and commitment given to a comprehensive noise survey demonstrating there would not be noise pollution in the appellant's residence.
- The issue of decimation of residential occupancy in the town centre was not addressed by the planning authority.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- No works are proposed for the eastern side of the building except for the replacement of a single fire escape door with a double fire escape door. A double timber gate on the roadside boundary of the appellant's property conceals the eastern elevation.

- The applicant is not carrying out any works on the appellant's property.
- There are adequate alternative means of escape from the building and a Fire Safety Certificate application will be made.
- The applicant has a right of way for fire exit purposes over the full width of the laneway adjacent to the appellant's building. A legal agreement is attached.
- There is no significant difference in ground levels between the two properties. The ground level at the existing fire escape door is not being altered.
- The works being carried out to No. 24 are the forming of a single door opening in the internal separating wall at ground floor level between the café area and the newsagents and the removal at ground floor level only of the western wall and part of the southern wall of the existing extension at the rear of No. 24.
- A drawing is enclosed showing the current external plant on the roof and the status of the various plant items and technical details for each item of plant are enclosed. Two condenser units on the eastern wall at the rear of No. 24 will be removed, as will the low temperature plant for frozen foods. The other existing items of redundant plant on the roof will also be removed. The new external high temperature refrigeration plant will be located on the roof of the new extension at the rear of the O'Brien's building. Technical details of this are attached.

Details attached include a letter from the previous resident of No. 27 Main Street, referring to no noise complaints arising for himself or from other occupants of the apartment overhead.

6.3. **Planning Authority Response**

The planning authority submitted that it had no further comments.

7.0 **Assessment**

- 7.1. I note that the principal grounds of appeal relate to fire escape access and to noise arising from plant located at roof level. The issue of loss of residential use over ground floor level in the town centre and the amalgamation of contiguous commercial properties are also matters requiring consideration. Regarding the level

of detail provided in the form of drawings, I first note that the appellant has a clear understanding from the submitted plans of the proposed changes to access doors and proposed demolition works. The demolition works are principally proposed internally at ground and first floor levels. I acknowledge that the single fire escape door on the east elevation is proposed to be replaced with a double fire escape door. I further note that the eastern elevation of the property on this site at ground floor level is screened by an existing gate onto Market Street and, therefore, is not readily visible on any ongoing basis from the public realm. I am satisfied that the proposed changes are adequately detailed in the drawings and in details submitted in the application and that the appellant's understanding of the proposal has not been compromised.

- 7.2. I note how the original application proposal has evolved during the period of consideration by the planning authority. In the response to the planning authority's further information request revisions submitted by the applicant included the omission of the two extensions to the rear, the reduction of the two-storey tower section at the rear entrance of the shop, the removal of the external staircase, and a reduction in proposed internal demolition works between buildings. Thus, substantial parts of the original application have been omitted and some other parts have been revised and reduced in scale and in their potential impact.
- 7.3. Returning then to the issue of means of escape, I note the means of escape from the existing premises at ground floor level. The main means of escape is on the east side onto a lane adjoining the appellant's property and leading, via a gateway, onto Market Street. The applicant proposes to provide a double fire escape door in place of a single door. There are no particular planning concerns arising from this as this is an established means of escape from the premises. It is understood that such provisions are required under a different legislative code relating to fire. The adequacy and suitability of this proposal from a fire safety perspective would be addressed by the fire authority, with due regard given to the fire regulations. Given that this is an established arrangement, that it is an integral part of the functioning of the premises, and that the applicant has an established right of way over the laneway leading to Market Square (details were included in the applicant's response to the appeal), I am satisfied that the continued use of the laneway as a means of escape is suitable and evidently important for the health and safety of staff and

customers of this premises. I can see no reason that warrants any revision of this proposal. I note that there is an existing means of escape also on the west side of the premises via No. 27 which opens onto a narrow lane that leads to the rear of the premises. It is noted that the proposal includes a means of escape to be provided at this side of the premises also. This would have no impact for the appellant's property. With regard to the further fire safety needs of the premises, this would be a matter for the fire authority and the legislative provisions relating to fire and fire safety.

- 7.4. With regard to any concerns relating to the raising of floors at ground and first floor levels, I note that all such works would occur internally. These would be relatively minor changes to allow for improved connectivity and movement and would have no notable adverse structural impacts for the premises or adjoining properties.
- 7.5. Regarding the issue of noise emanating from plant located on the roof of the shop premises, I first acknowledge the nature of the commercial premises and the established plant that has been located over many years on the roof. I further note that the proposed development would include the removal of old plant at roof level which is no longer required for the functioning of the premises. I then acknowledge the changes proposed relating to refrigeration plant. Details were provided to the planning authority in the application and by way of further information on plant and associated noise. The Environment Engineer sought these details and on receipt concluded that the proposals were acceptable. I acknowledge again the removal of redundant plant, including frozen food plant, and note the details on plant intended to be provided. It is reasonable to determine that newer plant would likely present as quieter plant in its function as well as in its capacity to be shielded and, thus, with the buffering of noise, it would help to mitigate potential adverse impacts. I further note Conditions 20 and 21 of the planning authority's decision relating to the control of noise. Conditions of this nature are viewed as appropriate and could reasonably be considered by the Board to be included with any decision to grant permission in order to maintain noise levels such that they would not intrude on the amenity of residential properties in the vicinity.
- 7.6. Further to the above, I note the important planning issue of retaining residential occupancy in the town. I first acknowledge the loss of residential accommodation at first floor level arising from the proposed development with the amalgamation and

expansion of the shop use. Unquestionably, the continued loss of town centre residential occupancy has knock-on effects for the vibrancy of the town centre and denudes a town centre of its twenty-four hour use and vitality. However, if the expansion of the supermarket and its associated commercial uses are to be accommodated, notably where the footprint of the building is restricted (which in this instance includes the prohibition of the proposed ground floor rear extensions), then the upper floors invariably present as the only viable option for further development. It may also be reasonably argued that the expansion of development of this nature in a town centre supermarket is necessary if such development is required to maintain viability, especially where development of a similar nature competing with such a shop may be located on the edge of the town centre or beyond and which has more potential to accommodate expansion. I submit to the Board that the retention of a supermarket such as that which exists on this site is important to the vitality and viability of Skibbereen's town centre.

- 7.7. Finally, I note the concern about the amalgamation of commercial properties in the town centre and its impact on diversity and unit composition. I have noted the concern of the planning authority's Conservation Officer relating to the amalgamation of contiguous properties at this location to accommodate the supermarket's expansion. This too is a significant planning issue as ultimately the diversity of the retail offering within more contained shop units are eroded and which can greatly impact on the character of the streetscape and the presentation of such development to the street. The former issue of diversity of offer is one which must be understood in the context of what I have referred to in the previous paragraph and I submit that, on balance, the facilitation of the expansion of the shop within the established footprint on this site is reasonable and sustainable. Regarding the latter issue of physical presentation and maintaining streetscape character, I note the nature and scale of development that already exists on this site and the inter-connectivity within the overall premises that is already provided for. I must also acknowledge the substantial revisions that were provided by way of further information which has culminated in a significant reduction in the proposed demolition works and interference with internal walls between buildings on this site. Finally, I note that the proposed presentation to Main Street is one which seeks to maintain the diversity of the shopfronts which presently exist, maintaining a variety of shopfront forms and

character and limiting any single uniform presentation of a supermarket shopfront. I note the Conservation Architect's considerations on this issue. Ultimately, it is a question of balance and one which seeks to maintain the streetscape character, while respecting the Architectural Conservation Area in which the site is located. I am satisfied to determine that the proposal achieves this outcome.

- 7.8. Overall, the proposed development can reasonably be considered to be compatible with the objectives and policies of the Skibbereen Town Development Plan as they relate to the development of the town centre, including Objectives TC3 (promoting the town centre as the primary retail location) and TC6 (reuse and redevelopment of vacant properties), as well as Policies TM1-3 (maintaining compatible use of protected structures) and TM2-1 (maintaining and contributing to the character of the town's Architectural Conservation Area).

Appropriate Assessment

The site of the proposed development is located in the centre of the serviced town of Skibbereen. European sites are remote from this town. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the development, the nature of the receiving environment, and the separation distance to the nearest European sites, 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 combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of Skibbereen

Town Development Plan, would be acceptable in terms of land use mix, scale, form and character, would not seriously injure the visual amenities of the area or the residential amenities of adjoining properties, would represent an appropriate design response to the site's context within the town's Architectural Conservation Area, and would otherwise 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 15th 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. Details of all external signage shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling, shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of property in the vicinity of the site.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. The developer shall enter into water and wastewater connection agreements with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

6. 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 traffic management measures.

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

7. 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. 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.

Reason: In the interest of sustainable waste management.

8. 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. 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.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. 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 the 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.

Kevin Moore
Senior Planning Inspector

28th October 2021