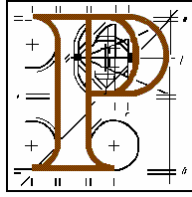


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Cork City

Planning Register Reference Number: T.P.11/34944

An Bord Pleanála Reference Number: PL 28.240487

APPEAL by John O'Connor care of Niall Keely and Associates Limited of Unit 2A, Lee House, Riverview Business Park, Bessboro Road, Blackrock, Cork and by others and by Crimson Investments Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 28th day of March, 2012 by Cork City Council to grant subject to conditions a permission to the said Crimson Investments Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Proposed multi purpose events/convention centre to allow for concerts, conferences, sporting and leisure events and trade shows comprising ground, first, second, third and fourth (plant and gantry) level areas allowing for performance areas, adaptable seating areas, public entrance, bars for the sale of beers, wines and spirits, restaurant/food areas, merchandising areas, performers reception, performers changing areas, back of house facilities, stage, "green room", administration offices, staff changing, crew rooms, service yard/area/access, ancillary services, increase in site levels and finished floor levels, ancillary external works and alterations to existing roads to provide widened footpath (including lands on the southern side of Albert Quay East to commencement of Victoria Road) and plant areas, all at a site at Navigation House and adjoining warehouse buildings at Albert Quay East, Cork. The proposed development will have an overall Gross Floor Area of approximately 8,425 square metres. The site is bounded to the north by Albert Quay East. The proposal also allows for the demolition of all on site structures other than the inclusion of the existing Navigation House façade and parts of the existing side walls as part of the proposal. The site area is a 0.67 hectare site, comprising Navigation House (with ancillary on site structures including shed/store to the rear of Navigation House), a double fronted warehouse building (7 Albert Quay East), and the brick faced warehouse building immediately west of the Idle Hour public house, and other ancillary structures. Additional proposals (alterations to existing roads (Albert Quay East to commencement of Victoria Road) relate to an area of 0.76 Hectares. The site is bounded to the east by the Idle Hour public house and the rear of properties fronting Victoria Road, to the west by Carey Tool Hire and to the south by the rear of properties fronting Albert Road. An Environmental Impact Statement will be submitted to the planning

authority with the application. (As amended by the revised public notice received by the Board on the 20th day of May, 2013).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork City Development Plan 2009-2015 and the South Docks Local Area Plan 2008, and the design, nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not constitute a danger to public health and safety, would not interfere with the character of the surrounding landscape or with a view or prospect of special amenity value, would not have a detrimental impact on the character or setting of a protected structure, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had agreed that the proposed development as originally conceived, with a single point of access and egress from Albert Quay, represented a potential danger to public safety by reason of traffic hazard. However, the Board considered that revised proposal which incorporates a second point of access/egress to Albert Road overcame this concern.

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 plans and particulars submitted on the 14th day of November, 2011, the 3rd day of February, 2012 and the 27th day of February, 2012 and as amended by the further plans and particulars submitted to An Bord Pleanála on the 6th day of February, 2013 including the proposed crowd management proposal, 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 proposed development shall not be used for any event involving the general public until access/egress routes to both the front and rear are fully operational and same has been confirmed in writing with the planning authority.

Reason: In the interest of public safety.

3. Prior to the first operation of the permitted development, the developer shall undertake all the works on the surrounding road and street network as identified in the plans and particulars submitted to the planning authority with the application, as amended by the further plans and particulars submitted on the 3rd day of February, 2012 and the 27th day of February, 2012, in particular, to drawings 'Proposed Works to Road Network' drawing number P 1002 Rev A, 'Proposed Works to Road Network Detail' drawing number P 1003 Rev A, 'Proposed works to Road Network – BRT Proposal' drawing number P 1004 Rev A (submitted on the 3rd day of February, 2012) and 'Site Plan' drawing number P1001 Rev C submitted to An Bord Pleanála on the 6th day of February, 2013. These works shall be undertaken at the developer's expense. The details and specifications of these works shall be submitted to and agreed in writing with planning authority prior to commencement of construction.

Reason: In order to facilitate the safe movement of patrons to and from the events/conference centre.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a general event safety management plan addressing the principal types of events intended for the proposed development.

Reason: In the interest of public safety.

6. Prior to the first occupation of the permitted development, the developer shall submit for the written agreement of the planning authority, details of the appointment of a mobility manager for the event centre.

Reason: In the interest of mobility management and promoting alternative means of transport including public transport.

7. The developer shall provide at their own expense 40 number cycle parking spaces within the public realm associated with the proposed development. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of promoting alternative means of transport.

8. The public lighting on Albert Quay, Albert Street and Albert Road adjacent to the permitted development shall be upgraded to modern standards at the developer's expense. Details, including design proposals, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of operation of the proposed development.

Reason: In the interest of traffic safety.

9.
 - (a) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, full details, including selected sample boards, of all external finishes, materials, textures and colours to the proposed development.
 - (b) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of rear access to Albert Road including surface and boundary treatments.

Reason: In the interest of visual amenity.

10. Apart from what is indicated on the plans and particulars referred to in condition number 1 above, there shall be no plant, ducting, water tanks, television aerials, satellite dishes or telephony receiving/transmission equipment erected either above roof level or on any external façade without a further grant of planning permission.

Reason: In the interest of visual amenity.

11. All service and cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of visual amenity.

12. 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:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;
- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) provision of parking for existing properties during the construction period;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. Prior to the commencement of demolition works, the developer shall submit for the written agreement of the planning authority, a drawn and photographic survey, recorded by a qualified and experienced conservation professional, of all buildings and structures including in the National Inventory of Architectural Heritage Survey which are proposed to be demolished.

Reason: In order to ensure that historic buildings and structures on site are recorded in the interest of architectural heritage.

15. All feasible measures will be taken to avoid introduction or spread of invasive species into the site through importation or fill material or topsoil and increased traffic on the site. Where these species are found on the site, the developer shall produce a management plan showing effective and appropriate management measures to be taken to control such species. This plan shall be submitted for the written agreement of the planning authority.

Reason: In order to prevent the spread of invasive species.

16. The lower ground floor (foyer) shall be designed to be flood resilient with flood defence arrangements to prevent flood intrusion into the main building. Prior to the commencement of development, the developer shall submit details of these measures for the written agreement of the planning authority.

Reason: In the interest of flood protection and public safety.

17. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2013.