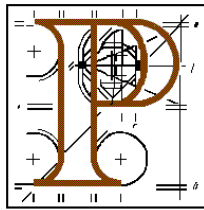


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Cork City**

**Planning Register Reference Number: 14/36038**

An Bord Pleanála Reference Number: PL 28.244072

**APPEAL** by Fiona Breen care of Coakley O'Neill Town Planning Limited of Building 1000, City Gate, Mahon, Cork against the decision made on the 25<sup>th</sup> day of August, 2014 by Cork City Council to grant subject to conditions a permission to J.D. Wetherspoon Plc., care of Brock McClure of 31 Fitzwilliam Square, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The amalgamation of the existing four-storey building at 6-7 Paul Street and the existing three-storey building on 15-16 Carey's Lane to provide a single public house by way of internal modifications on each floor including the removal and rearrangement of walls and staircases, the relocation of a passenger lift, the change of use at first and second floor of 6-7 Paul Street from restaurant to pub use, the change of use of 15/16 Carey's Lane from nightclub to pub, pavement cafes at ground floor level on Carey's Lane and Paul Street and minor modifications to the front and side elevations incorporating fenestration alterations, new openings and replacement signage, all at the former Newport Café, 6-7 Paul Street and the former Mangan's Nightclub, 15-16 Carey's Lane, Cork, County Cork.

## **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 most recent uses contained within the buildings on this site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the current Development Plan for the area, would not seriously injure the amenities or depreciate the value of property in the vicinity, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 13<sup>th</sup> day of June, 2014 and the 29<sup>th</sup> day of July, 2014, 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 be amended as follows:
  - (a) projecting lanterns at first floor level on the Paul Street building shall be omitted;
  - (b) the pub name signage proposed between second and third floor levels on both façades of the Paul Street building shall be omitted;

- (c) the three amenity boards proposed at ground level on Paul Street and Carey's Lane shall be omitted;
- (d) the lamps proposed at ground floor level on the façades of the Paul Street and Carey's Lane buildings shall be omitted; and
- (e) all fascia signage shall be lit by means of spotlighting or floodlighting. Internally illuminated faces to lettering shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

- 3. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity within an Architectural Conservation Area.

- 4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application, and not excluded by way of condition attached to this permission) shall be erected or displayed on the buildings in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity within an Architectural Conservation Area.

- 5. The hours of operation of the public house/restaurant shall be restricted to between 0800 and 2330 from Sunday to Thursday inclusive and between 0800 and 0030 from Friday to Saturday inclusive.

**Reason:** In the interest of the amenities of the area.

6. (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  $L_{Aeq, 30 \text{ minutes}}$  value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive, and
  - (ii) an  $L_{Aeq, 15 \text{ minutes}}$  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 R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

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

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Monday to Friday inclusive, between 0800 and 1600 on Saturdays, and not at all on Sundays, Bank or 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 amenities of property in the vicinity.

8. 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. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

9. 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. Uncontaminated surface water from the roof area shall be discharged to the surface water sewerage network. All kitchen waste outfalls shall be fitted with grease traps.

**Reason:** In the interest of public health.

10. Prior to commencement of development, a site specific flood risk assessment shall be submitted to, and agreed in writing with, the planning authority, having regard to the vulnerability of the proposed use on the site. Risk assessment shall include proposals detailing measures to address the risk of flooding within the property, including measures with respect to managing and mitigating flood risk to occupants and users, and shall also address egress from the building in the event of a flood.

**Reason:** In the interest of public health.

11. All doors to the premises from street level shall open inwards only (with the exception of the door serving the lift, which shall be fitted with parliament hinges to allow for outward opening flush against the front wall). All ground floor windows shall open inwards only, or shall be fitted with parliament hinges to allow for outward opening flush against the front wall.

**Reason:** In the interest of public safety and to avoid obstruction of road users.

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

**Dated this            day of            2015.**