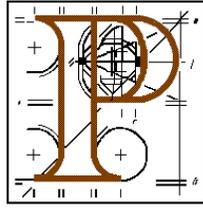


An Bord Pleanála



Inspector's Report

Development: Amalgamation of four- and three-storey buildings to form a public house. Change of use of restaurant and of nightclub to pub, and new pavement café, at 6/7 Paul Street and 15/16 Carey's Lane, Cork.

Planning Application

Planning Authority : Cork City Council
Planning Authority Register Ref. : 14/36038
Applicant : J. D. Wetherspoon PLC
Type of Application : Permission
Planning Authority Decision : Grant permission

Planning Appeal

Appellant(s) : Fiona Breen
Type of Appeal : 3rd Party v Grant
Observer(s) : None

Date of site inspection : 30th December 2014

Inspector: **Michael Dillon**

1.0 Site Location and Description

- 1.1 The site, with a stated area of 0.11ha, is located at the junction of Paul Street and Carey's Lane within Cork City centre. The two buildings, the subject of the application, front directly onto their respective streets – the Paul Street building (former pub/restaurant) being the corner one with frontage to Carey's Lane also. The sites are entirely covered by buildings – four storeys on Paul Street and three storeys on Carey's Lane. The Paul Street building is of a more traditional appearance, with vertical emphasis to upper floor windows, and a pitched roof. The Carey's Lane building (former night club) is of more modern construction with horizontal emphasis and mono-pitch roof. This is a pedestrianized area of the city centre – with vehicular access for service vehicles only. The ground floor level on Carey's Lane is slightly higher than on Paul Street (approximately 0.5m). There are six sets of double doors to Carey's Lane and two sets of double doors to Paul Street. There is a security camera mounted on the corner of the Paul Street building – directed at the entrance to the Paul Street Shopping Centre on the opposite side of Rory Gallagher Place. There are three floodlights on the Paul Street façade.
- 1.2 The buildings on site are boarded-up at ground floor level, and present a poor appearance to the street. The buildings are connected at ground, first and second floor levels. Sections of floors have been removed in the past to open up the buildings between floor levels. Some demolition work has taken place within the interior: the lift has been removed as have a number of drinking bars. The building is provided with jury-rig electrical system. Plant is located on the roof (it was not possible to gain access to the roof on the date of site inspection). The smoking area on the second floor of the Carey's Lane building is closed in on four sides, and almost completely roofed over (also inaccessible on the date of site inspection).
- 1.3 To the north, the site abuts Rory Gallagher Place on Paul Street. To the east, the site abuts Carey's Lane. To the south, the site abuts a pedestrian entrance to the rear of St. Peter & Paul's Roman Catholic church (Protected Structure PS277) which fronts onto St. Paul's Place. This entrance would not appear to be open to the public. To the west, the site abuts three-storey commercial premises on Paul Street. These premises comprise a shoe shop at ground floor, with the upper two floors in use for staff facilities and storage. This building extends over the entire site at ground floor level – with the upper two floors scaled back, with windows to the rear. The appeal site presents a blank wall on two sides to this area of the rear of the shoe shop. On the opposite side of Carey's lane there is a café/restaurant building ('Amicus') with external seating area on Rory Gallagher Place. There are two telephone boxes on Rory Gallagher Place in front of the Paul Street premises.

2.0 The Proposed Development

2.1 Permission sought on 28th May 2014, for commercial development involving the amalgamation of a four-storey building on Paul Street with a three-storey building on Carey's Lane, to provide 1,171sq.m of accommodation for the following-

- New public house including removal and rearrangement of walls and staircases, and the relocation of a passenger lift.
- Change of use at first and second floor levels of 6/7 Paul Street from restaurant (former Newport Café/Bar) to public house use.
- Change of use of 15/16 Carey's Lane from nightclub (former Mangan's Nightclub) to public house.
- Pavement café at ground floor level on Paul Street.
- Minor modifications to elevations incorporating fenestration alterations, new openings and replacement signage.
- Demolition of 12sq.m of buildings.

2.1.1 The application is accompanied by a Noise Management Plan

2.2 There is a drawing of the proposed second floor of the development (date stamped 13th June 2014). It would appear that it was submitted by way of unsolicited additional information. The layout differs from the submission of 28th May 2014, in that it shows an altered bin storage arrangement, and an enlarged roof terrace of 39sq.m.

2.3 Following a request for additional information, a revised submission was received by the Council on 29th July 2014, as follows-

- The roof terrace is proposed to be used as per the existing arrangement when the nightclub was in operation – as a smoking area with an openable roof. Revised drawings show an enlarged smoking area of 39sq.m.
- Roof glazing proposals for the Carey's Lane building have been altered. The glazing does not extend to the exterior.
- Details of roof plant. Extensive roof plant exists at present (from aerial photography). The new layout will rationalise the layout and amount of plant. The height of plant will not increase.
- Reference to pavement café has been removed.
- Revised door-opening arrangements for Paul Street and Carey's Lane. Door CD07 is the access to the goods/passenger lift – which opens outwards. This will be fixed with parliament hinges to open 180 degrees, flush with the external wall.
- Closing times will be Monday-Thursday – 23.30 hours. Friday-Saturday – 00.30 hours. Sunday – 23.00 hours.
- Grease traps will be installed on foul outfalls from the kitchens (brochure attached).

3.0 Development Plan

- 3.1 The relevant document is the Cork City Development Plan 2009-2015.
- The site is zoned City Centre Retail Area (CCRA) – ‘To provide for the protection, upgrading and expansion of higher order retailing, in particular comparison retailing and a range of other supporting uses in the City Centre Retail Area’.
 - Policy 13.3 in relation to Permitted Uses within the CCRA states:- ‘The CCRA will be the priority location for comparison retail development during the lifetime of the Development Plan but a quality mix of uses which stimulate activity and develop the vibrancy of the City Centre shall be encouraged subject to other policies and objectives of the Plan’.
 - Paul Street is designated as a ‘Key Secondary Retail Frontage’. Policy 13.7 relating to Protection of Prime and Key Secondary Retail Frontages aims to ‘Restrict retail offices, general offices, hot food takeaways, general convenience stores, public houses, mobile phone shops, bookmakers/betting shops and restaurant uses from locating at ground floor level on ‘Prime retail frontages’, and restrict retail offices, general offices, hot food takeaways, bookmakers/betting shops at ground floor level on ‘Secondary retail frontages’.
 - The site is located within the Paul Street Architectural Conservation Area (ACA).
 - Policy 13.18 in relation to Public House and Entertainment Uses states- ‘The Council will control the location, size and activities of entertainment uses that are likely to attract large numbers of people, in particular entertainment venues and night clubs, in order to safeguard residential amenity, environmental quality and the established character and function of parts of the City Centre’.
- 3.2 The Draft Cork City Development Plan 2015-2021 has been put on display, but has not been adopted to date.

4.0 Planning History

Ref. R 343/14: Related to a referral case as to whether internal alterations were or were not development, and were or were not exempted development. The Council decided that planning permission was required.

Ref. 14/35891: Permission granted to J. D. Wetherspoon for alterations to fenestration and replacement of doors on Carey’s Lane.

Ref. 07/32664: Permission granted for retention of 2 no. extending canopies to side of Newport Café/Bar.

Ref. 96/20913: Permission granted to Greystone Ltd, for retention and completion of reconstruction of 15/16 Carey's Lane for use as nightclub.

There is extensive planning history relating to pub/restaurant uses at these buildings.

5.0 The Planning Authority's Decision

By Order dated 25th August 2014, Cork City Council issued a Notification of decision to grant planning permission subject to 9 no. conditions – the principal ones of which may be summarised as follows-

1. The development shall be carried out in accordance with plans and particulars received by the planning authority on 28th May, 13th June and 29th July 2014.
2. Requires changes to elevations- including omission of hanging lanterns; omission of fascia signage between second and third floors on Paul Street and Carey's Lane; details relating to lighting of signage; and security shutters if any – all to be agreed in writing with the planning authority.
3. Restricting hours of operation.
4. Relates to noise.
- 7(c) Requires submission of a flood risk assessment (as the area is prone to flooding from the River Lee).
- 8(a) Relates to door and window opens onto streets.

6.0 Grounds of Appeal

- 6.1 File ref. **LV 28.LV3238** refers to a decision of the Board, dated 20th October 2014, to grant leave to appeal to Fiona Breen in relation to the proposed development.
- 6.2 The appeal from Coakley O'Neill Town Planning, agent on behalf of Fiona Breen of 'Walk Shoes', 8 Paul Street, received by the Board on 4th November 2014, can be summarised in bullet point format as follows-
 - The appellant owns and operates the premises 'Walk Shoes' from adjacent no. 8 Paul Street. There are five full-time staff members.

- The appellant generally welcomes the decision to re-open these vacant premises.
- Unsolicited additional information of 13th June 2014, showed a different layout to the second floor – particularly a terrace, where a bin store had originally been shown. This change was not considered significant, and so the application was not re-advertised. Leave to appeal was granted by the Board to Fiona Breen.
- There are a considerable number of policies in the Development Plan relating to commercial and leisure uses within the city centre.
- The site is located on a prime retail street.
- The appellant is concerned that a ‘super pub’ will be created here.
- Conditions attached to permission ref. TP99/23437 were ignored – particularly in relation to the joining together of the pub and the nightclub on this site. Such ignoring of conditions does not provide justification for the proposed development.
- The customer floor areas quoted by the applicant are over-stated or under-stated as suits. There is no definition as to what comprises a ‘public area’. The area of 1,180sq.m will make this one of the largest pubs in the city.
- The presentation of this development as largely ‘food based’ is misleading. The figure of 70% being related to the food business is ambitious, to say the least. It may be that the applicant might sell or lease the premises to a publican who was less involved with food. This permission relates to the premises and not to the occupant/owner.
- The Council seeks to promote inner city living. It is the intention of the appellant to develop the upper floors of her building for residential use, and to seek permission for a fourth storey. The proximity of the smoking area will seriously impact on the residential potential of the adjoining site.
- Noise, opening hours and waste management would also impact on residential amenity.
- There is no valid permission in place for the beer garden proposed.
- The noise management plan falls far short of convincing the appellant that there will be no noise nuisance from the development.
- The proposal for a pavement café was subsequently removed from the application. There is nothing to stop the operator applying for a Section 254 Licence for street furniture and outdoor drinking area.
- Patrons will congregate on the footpath outside this public house – to the detriment of the appellant’s business. This would have an impact on access to the door to the appellant’s shop. The area is designated ‘Prime Retail Frontage’ in the Development Plan.
- Smoking patrons will cause disamenity to workers and customers within the shoe shop.

- A condition should be attached by the Board requiring that there be no pavement café on Paul Street.
- The construction period will disrupt business at the appellant's shoe shop. Works commenced on this site and were suspended after four weeks. A large hoarding was erected. Disruption caused by noise, dust and trucks was significant. Passing trade was blocked and diverted away from the premises. Trade was reduced by 25% during the four-week period. The Board is requested to condition that no commercial truck movements be allowed during normal business hours, an appropriate hoarding and area enclosed, dust control measures, noise control measures, and ensure that pedestrian traffic is not disrupted. Conditions 5 & 6 of the Notification of decision to grant permission are noted, however, the experience of the appellant during a short four-week period of construction would not bode well for a proposed twenty-two-week period now proposed. A detailed construction management plan needs to be agreed with the planning authority in consultation with adjoining landowners/businesses.
- Support for retail uses in this area should be the prime concern of the Council.

6.3 The appeal is accompanied by 5 no. colour photographs of construction works and associated truck movements at the appeal site.

7.0 Observations

7.1 The Board circulated the appeal for comment, on or before the 20th January 2015, to the following-

- Development Applications Unit of the Department of Arts, Heritage and The Gaeltacht.
- The Heritage Council.
- An Taisce.
- An Chomhairle Ealaíon.
- Fáilte Ireland.

There were no responses received within the appropriate period.

8.0 Response Submissions

8.1 1st Party Response to 3rd Party Appeal

8.1.1 The response of Brock McClure, agent on behalf of the applicant J. D. Wetherspoon PLC, received by the Board on 4th December 2014, can be summarised in bullet point format as follows-

- The planning authority set the loss of the nightclub in this area against the amalgamation of the two buildings – in considering

whether a 'super-pub' was being created by this application. The proposal will result in a decrease in late-night activity in this area.

- The development is in compliance with the relevant zoning and other policies of the City Development Plan.
- The proposal maintains full upper floor use of buildings – a key aspiration for city centre projects.
- The site is in a pedestrianized area of the city centre, and parking is not required.
- The policies within the Draft Cork City Development Plan in relation to commercial leisure facilities have not been changed.
- This cannot be considered a 'super pub', as food sales are an important part of the business. There is no definition of a 'super pub'. The scale of the pub is appropriate to the area.
- The customer area of the amalgamated buildings has been reduced, and will result in a less intense use of the site.
- The design will improve the visual amenity of the area – as the existing premises are run-down and present a poor appearance to the street.
- Ample seating is provided, thereby preventing over-crowding.
- The appellant states that she wishes to convert upper floors of her building and add another storey for residential use at some stage in the future. The proposed development comprises modifications to long-established uses on this site. There is no established residential amenity to be protected in the area. An application, such as this, cannot be held hostage to future aspirations for development on an adjoining site.
- The proposed development does not impede future development at that appellant's site. Town centre sites will experience greater noise levels than suburban locations.
- The decision to grant a licence for street furniture and a terrace café is a matter for the local authority. It does not form part of this application. Street furniture is appropriate in pedestrianized areas like this. Any street café will not cause health nuisance for the applicant or visitors to her shop.
- It is acknowledged that construction works could have an impact on the appellant's premises. A condition has been attached by Cork City Council relating to proper control and management of works on site. Works will take c.20 weeks. The applicant is willing to erect imagery of the appellant's shop on the site hoarding – as a gesture of good will. Hours of working will be 08.00-18.00 Monday to Friday and 08.00-16.00 on Saturday. There will be no works on Sundays.

8.1.2 The response is accompanied by a copy of JD Wetherspoon Ireland 'Code of Conduct'.

8.2 2nd Party Response to Grounds of Appeal.

The response of Cork City Council, received by the Board on 20th November 2014, indicates that there is no further comment to make.

9.0 Assessment

The principal issues of this appeal relate to the appropriateness of the use in this area of the city centre, the impact on adjoining commercial properties, and the visual appearance of the development.

9.1 Development Plan

The site is zoned City Centre Retail Area. The most recent uses within these two buildings were not retail uses – rather public house/restaurant and night club. Policy 13.3 of the Development Plan refers to a quality mix of uses within the area to stimulate activity and develop vibrancy. Paul Street is designated as a ‘Key Secondary Retail Frontage’. Carey’s Lane is designated as neither ‘Primary Retail Frontage’ nor ‘Key Secondary Retail Frontage’. Policy 13.7 seeks to restrict certain types of uses on ground floors of the main retail frontages in the city. Public house use is not one of the restricted uses along ‘Key Secondary Retail Frontage’ – notwithstanding that this public house use already existed as the most recent use on these premises. Policy 13.18 relates to Public House and Entertainment Uses. The policy refers to the need to protect the residential amenity, environmental quality and established character and function of parts of the City Centre. The most recent uses on this site were café/bar and night club. The proposed use will see the extension of public house/restaurant use to the entire premises. This change of use will certainly have an impact on the late night/early morning use of the premises, which would be obtained when the Carey’s Lane premises was used as a night club. The premises will be subject to Licensing Laws for the sale of alcohol. There are no residential uses in the immediate vicinity of the premises. I would agree with the applicant that it would not be reasonable to refuse permission on the grounds of a possible change of use to the upper floors of the adjoining building on Paul Street at some stage in the future. The change of use will not have any impact on environmental quality or the character and function of the area. The proposed development would be in accordance with the zoning policies of the Development Plan. The site is located within the Paul Street Architectural Conservation Area (ACA). Resulting from this designation, the Board referred the appeal to certain prescribed bodies for comment: none were received within the appropriate period. The development will have no significant impact on the ACA. The scheme will not have any significant impact on the external appearance of the buildings on the site.

9.2 Nature of Development

The most recent uses on this site were for café/bar and night club. Reference is made to historical planning permissions and unauthorised connections between the two buildings. The proposed development can be judged on its own merits, and not on the continuation of similar-type uses. The proposed development will result in the use of all upper floors of the two buildings on this site. The two buildings are already linked at ground, first and second floor level. The public house/restaurant use will be confined to ground and first floor only, with upper floors being for staff use only (apart from the smoking terrace on the second floor of the Carey's Lane building). Figures relating to the percentage drink/food split of the proposed development have been presented and argued over. I would not consider that the percentage split is of any planning significance. Such a figure can vary over time, and the ownership/operation of the premises could change in the future. The applicant has argued that fixed seating will ensure that the premises will not be filled to capacity with standing drinkers. It is not possible to dictate the layout of furniture/fixed furniture. The layout drawings submitted do not show significant amounts of fixed/built-in furniture – other than some booths at ground floor and first floor level in the Paul Street building, and some to the rear of the ground floor level in the Carey's Lane building. However, judging by the number of lavatories to be provided (particularly women's cubicles) the number of patrons is clearly expected to be significant. The term 'super pub' had been used by the appellant. This term is generally used in a pejorative sense. Such a term does not have any meaning in terms of the planning acts. Neither is such a term defined in the Cork City Development Plan. There are no policies within the Cork City Development Plan relating to super pubs in the city centre – the closest reference being Policy 13.18 in relation to impacts of public house and entertainment uses on the city centre. The customer floor area at ground level is indicated as 218sq.m and at first floor is 141sq.m. The smoking area at second floor level is 39sq.m – giving a total of 398sq.m (exclusive of lavatories, staircases and circulation lobbies). I would not consider that a public house use, wherein it is proposed to serve food on both ground and first floor level, would be detrimental to the amenities of this City Centre Retail Area.

9.3 Impact on Adjoining Premises

At present the buildings on site are vacant and boarded-up – taking from the vibrancy and vitality of the area. I have elsewhere in this report commented on the construction period impact on adjoining premises – particularly on Paul Street. The impact of the operational phase will result in some impacts on adjoining premises. The scheme, as originally designed, proposed a semi-external bin storage area at second floor level

of the Carey's Lane building. This area corresponded to a 23sq.m smoking area (most recent use) associated with the night club. This area is closed in on four sides – high walls on two sides and windows into the night club on the other two sides. The area is almost completely roofed over – vents being left for circulation of air. This smoking area does not abut the appellant's premises – but rather abuts the church lands to the south. The revised plans submitted on 29th July 2014, made alterations to this second floor area of the development – to provide for an extended roof terrace area of 39sq.m, with waste storage relocated to the Carey's Lane frontage on the same floor. The roof terrace will be connected by dedicated staircase from the first floor, and also by a fire escape door to the staff area of the second floor. The area is clearly intended as a smoking area for patrons. Drawings provided show that this area is to be roofed and fitted with an openable roof light. Such a facility will not have any significant impact on the appellant's premises – being separated from it by another section of the second floor of the Carey's Lane building and the plant located on the roof above. There are no proposals to open windows or vents into the space to the rear of the appellant's premises. The existing premises presents blank walls on two sides to this open area to the rear of the shoe shop (the open area being at first floor level and above only). There appears to be one vent at present to this area from the third floor of the Paul Street building (not shown on drawings of either existing or proposed third floor). On Carey's Lane, the site abuts a private rear access to the RC church to the south. The proposed development will not have any significant impact on this property. Noise from the proposed development will not differ significantly from the noise which would emanate from a café/bar and night club. If anything, the noise regime will be an improvement – in terms of times at least – the opening hours of the proposed development not being so late at those of a night club.

9.4 Visual Appearance

The overall appearance of the buildings on this site is poor – owing to the boarded-up ground floor opes: photographs accompanying the application and appeal will testify to this. The Paul Street building is the more traditional of the two – with vertical emphasis windows and a pitched roof. Elevation drawings were included with the original planning application. Revised floor plans (submitted by way of additional information on 29th July 2014) did not include revised elevation drawings. There are a significant number of doors to Carey's Lane. It is not proposed to change these in any significant way – other than in the case of the service lift door. This door will open outwards, but will be fitted with parliament hinges to enable it to be opened fully flat against the external wall. All remaining doors will open inwards – so as not to obstruct road users. Replacement doors will be constructed of timber and glass. Existing timber windows in

the Paul Street building are to be repaired and retained. Porthole-style windows at first floor level in the Carey's Lane building will be replaced with more traditional casement-type windows. Signage proposed is principally above the ground floor fascia on the two street-fronts. It is proposed to erect a pub name between second and third floor level on both façades of the Paul Street building. This signage was removed by way of condition no. 2 of the Notification of decision to grant planning permission. Similarly removed were the large projecting carriage-style lamps at first floor level on both façades of the Paul Street building. This is reasonable, in order to reduce clutter on these façades – within an Architectural Conservation Area. There are illuminated menu boards at ground floor level on each façade of the building: something which is appropriate and necessary for business. There are, in addition, three further ground floor boards, described as 'New Amenity Board' – two on Carey's lane and one on Paul Street. It is not clear just what these boards are for; most likely advertising. They should be removed by way of condition attaching to any grant of planning permission. Finally, there are a number of ground floor decorative wall-lights on the Carey's Lane façade. These cause visual clutter, and should be removed by way of condition attached to any grant of planning permission. Condition 2 disallowed any internally illuminated faces to lettering – requiring signage to be spotlit or floodlit. This would appear to be reasonable. Finally, there are a number of brackets attached to the first floor façade which would have facilitated the display of banners in the past. These should be removed on visual amenity grounds. There is a security camera mounted on the corner of the Paul Street building. This piece of apparatus is not shown on drawings. It should be removed by way of condition attached to any grant of planning permission. The reason requiring the removal of the items mentioned heretofore, is to reduce clutter on the façades of these buildings – located as they are within an Architectural Conservation Area. Rooftop plant is not visible from surrounding narrow streets. It is proposed to retain the external rooftop plant and to provide an internal third floor plant area within the Paul Street building: this is acceptable.

9.5 Other Issues

9.5.1 Appropriate Assessment

The development was screened for appropriate assessment. The uses on site are already connected to the public drainage network. The proposed development will not have any significant impact on European sites.

9.5.2 Water & Drainage

The existing premises are connected to public mains water and public mains sewerage. The Council requires that roof areas discharge to the surface water system. Waste from kitchens is required to pass through grease traps. No change is proposed to the drainage arrangements.

9.5.3 Flooding

The centre of Cork is subject to periodic flooding – the area being defined as Zone A in the Draft Lee CFRAMS Report. Premises in the area do not have basements. No change is proposed in the ground level of the building. Prior to commencement of development, a site specific flood risk assessment should be submitted, having regard to the vulnerability of the site and the proposed use of the property. This is required to manage and mitigate flood risk and damage. Condition 7(c) of the Notification of decision to grant planning permission reflected this requirement. Such a condition should be repeated in any grant of permission to issue from the Board.

9.5.4 Hours of Operation

Condition no. 3 of the Notification of decision to grant planning permission restricted the hours of operation of the development to 08.00-23.30 hours Sunday to Thursday, and 0800-00.30 hours on Friday and Saturday. These hours are marginally more generous than those put forward by the applicant by way of additional information submission of 29th July 2014, wherein closing at 23.00 hours was proposed on Sundays. I would see no difficulty with the closing times stated in the condition – this being a busy commercial city centre location.

9.5.5 Development Contribution

Applications for change of use in the city centre attract a 100% reduction in the Development Contribution Scheme 2013-2015. Consequently, no development contribution condition was attached to the Notification of decision to grant planning permission.

9.5.6 Construction Hours

The 1st party response to the 3rd party grounds of appeal states that the renovation works will take approximately twenty weeks. The 3rd party appellant states that considerable disruption was caused to her business when limited demolition works were carried out at these premises in 2014 – photographs supplied. The 3rd party appellant has referred to potential plans to add another storey to her building and to convert upper floors to residential use. Such development, should it come to pass, will cause temporary disruption in the area. Such disruptions are a fact of life in busy commercial areas, and are of limited duration. The applicant has stated a willingness to advertise the appellant's premises on the hoarding which it will be necessary to erect to facilitate the renovation works. Working hours will be restricted to 08.00-18.00 Monday to Friday and 08.00-16.00 hours on Saturdays. There will be no work carried out on Sundays. The appellant has requested that works should be carried out outside of commercial trading hours. To grant such a request would be unreasonable on grounds of cost and worker availability.

9.5.7 Pavement Café

The original proposal provided for a pavement café of 18sq.m on Paul Street. This element of the scheme was subsequently withdrawn. The 3rd party appellant has objected to such a facility on grounds of obstruction of the entrance to her shop, and patrons of the café smoking – causing a health nuisance. I note that the ‘Amicus’ café on the opposite side of Carey’s Lane has a pavement café section on Paul Street. I do not see that these premises are in any way different to the appeal site – both addressing Rory Gallagher Place. The area concerned is outside the site boundary (as outlined in red) and would be subject to Section 254 licensing. Matters relating to impact on the appellant’s premises could be dealt with, if and when a Licence application is lodged with Cork City Council. It is not a matter for consideration in the current appeal.

10.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

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 attached, 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 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 13th day of June and the 29th day of July, 2014, except as may otherwise be required to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of grant of planning permission, the security camera and the banner brackets mounted on façade of the Paul Street building shall be permanently removed, and shall not be replaced without a prior specific grant of planning permission.

Reason: To avoid clutter, in the interest of visual amenity, on the façade of this building, located within an Architectural Conservation Area.

3. Prior to commencement of development, revised elevation drawings shall be submitted for the written agreement of the planning authority 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;
 - e) All fascia signage shall be lit by means of spotlighting or floodlighting. Internally illuminated faces to lettering shall be omitted;

Reason: To avoid clutter, in the interest of visual amenity, on the façades of these buildings, located within an Architectural Conservation Area.

4. 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.

5. 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.

6. Hours of operation of the public house/restaurant shall be restricted to 08.00-23.30 (Sunday to Thursday inclusive) and 08.00-00.30 (Friday to Saturday inclusive).

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

7. (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.

8. Site development and building works shall be carried out only between the hours of 08.00-19.00 (Monday to Friday) inclusive, 08.00-16.00 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 amenities of property in the vicinity.

9. 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 interests of sustainable waste management.

10. 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.

11. Prior to commencement of development, a site specific flood risk assessment shall be submitted to the planning authority for written agreement – 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.

12. 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.

**Michael Dillon,
Inspectorate.**

22nd January 2015.