



An  
Bord  
Pleanála

**Board Direction**  
**BD-000900-18**  
**ABP-300921-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/08/2018.

The Board decided to make a split decision, to

(1) **grant** permission, for the following reasons and considerations and subject to the following conditions for:-

- material change of use from retail to leisure at 12 St. Patrick's Quay
- the extension of 16 St. Patrick's Quay into the adjoin property at 12 St. Patrick's Quay
- alterations to No. 12 St. Patricks Quay

and

(2) **refuse** permission for the retention of banner signage at 12 and 16 St. Patrick's Quay

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations (1)**

Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of Cork City Development Plan 2015 – 2021, and the nature and scale of the proposed development, it is considered that, subject to

compliance with conditions, the proposed use would not seriously injure the residential or visual amenities of the area, 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 14th day of December 2017, 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) Details of the proposed new roof, together with all junctions and parapet details at No. 12 St. Patrick's Quay shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (b) Details of the proposed fascia sign to No. 12 St Patrick's Quay, including any associated lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (c) External roller shutter to be removed, and details of ground floor elevation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. PA Condition 7

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

4. PA Condition 2

**Reason:** In the interest of the proper planning and sustainable development of the area.

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

6. 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.

7. 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 off-site disposal of construction/demolition waste.

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

8. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining a noise sensitive building in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.  
(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance

criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.

(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either

- (i) during a temporary shutdown of the specific noise source, or
- (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. An acoustical analysis shall be included with this submission to the planning authority.

**Reason:** In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

9. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
- (b) All windows and roof lights shall be double-glazed and tightly fitting.
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

## **Reasons and Considerations (2)**

Having regard to the policies and objectives of Cork City Development Plan 2015 – 2021 and the level of existing and permitted advertising signage in the vicinity of the site, it is considered that the proposed signage is visually intrusive and seriously injures the amenities of the area and as such retention would be contrary to the proper planning and sustainable development of the area.

**Board Member**

**Date:** 13/08/2018

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Michelle Fagan