

An
Bord
Pleanála

Board Direction
BD-014398-23
ABP-313756-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/10/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the ZO5 city centre zoning objective for the site in the current City Development Plan 2022, specific objectives 7.27 and 7.28 as they relate to retail, and to the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, it is considered that the proposed development which would provide for an enhanced comparison shopping unit, would assist in maintaining and strengthening the role of the city centre as the primary retail centre in the Cork Metropolitan Area, would not adversely impact on the built and cultural heritage, would not adversely impact on the amenities of property in the vicinity 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 14th day of December 2021

and the 21st day of April 2022 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.
 - (a) All materials, colours and textures of the external finishes to the proposed buildings shall be in accordance with the Architectural Design Statement received with the planning application. Any deviation from these details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The 5 no. projecting signs proposed to the St. Patrick's Street, Cook Street and Oliver Plunkett Street elevations shall be omitted.
 - (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
 - (d) External roller shutters shall not be erected. Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.
 - (e) No adhesive material shall be affixed to the windows or shopfronts.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall provide for the following:

- (a) The appointment of a conservation expert who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works;
- (b) Retention of nib walls in the rear corners of the building on the ground and first floors and the inclusion of deep downstand beams between the remaining columns, following the line of the party walls and rear elevation;
- (c) Retention of the 1st floor stairwell opening in the floor above the retained secondary staircase;
- (d) Retention of the staircase balustrades up to 1st floor level, including the balustrading surrounding the existing stairwell opening. Where required, new balustrading surrounding the retained stairwell 1st floor opening shall match the design and material of the retained original balustrading;
- (e) Retention and exposure of the existing ground and 1st floor ceilings, cornices and downstand beams;
- (f) Inclusion of deep downstand beams between the columns on the ground floor along the boundary of Elbow Lane to show the original layout;
- (g) Inclusion of deep downstand beams between the internal columns separating Nos. 2 and 3 Cook Street;
- (h) Submission of a window schedule that records the general date and condition of the existing windows and any proposed changes to windows;
- (i) Full details of any proposed replacement windows, including details of the pane arrangement, frames, glazing bars etc.

Revised plans with the necessary alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. A Conservation Method Statement shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of protecting and conserving the heritage of the site.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of any archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenity of the area.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 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. The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development, including:
- (a) Details of security fencing and hoardings;
 - (b) 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;
 - (c) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (e) Alternative arrangement 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 the site development works;
 - (f) Details of appropriate mitigation measures for noise, dust, and vibration, and monitoring of such levels
 - (g) Off site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

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 interests of amenities, public health and safety.

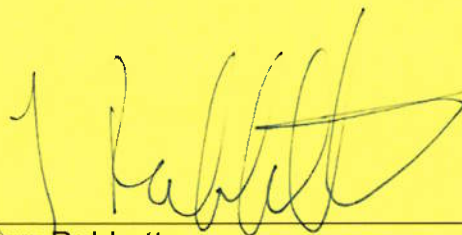
10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

11. An emergency management plan for flood events shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interests of public health.

Board Member



Tom Rabbette

Date: 31/10/2023

