



An
Bord
Pleanála

Board Direction
BD-019359-25
ABP-319445-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/04/2025.

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 Cork County Development Plan 2022-2028 and to the subject site's zoning 'Existing Residential/Mixed Residential and Other uses', it is considered that, subject to compliance with the conditions set out below, the proposed development to reuse and refurbish a vacant building within the built envelope of Youghal Architectural Conservation Area (ACA) would comprise the efficient use of existing building stock, would provide an alternative housing type and tenure within the Youghal core close to existing services consistent with the development plan objective HOU 4-6: Housing Mix, would not result in adverse impacts to the streetscape or pedestrian accessibility, would contribute to the vitality of Strand Street, and would not seriously injure the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board considered the Appropriate Assessment and Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential

effects of the proposed development on neighbouring European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Blackwater River Special Area of Conservation (Site Code 002170) and the Blackwater Estuary Special Protection Area (Site Code 004028) are the only European Site's in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Board considered the Appropriate Assessment and Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the Blackwater River Special Area of Conservation (Site Code 002170) and the Blackwater Estuary Special Protection Area (Site Code 004028) in view of these sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of these European Sites in view of the sites' Conservation Objectives. This conclusion is based on:

- (a) A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the

Blackwater River Special Area of Conservation (Site Code 002170) and the Blackwater Estuary Special Protection Area (Site Code 004028).

- (b) Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- (c) The Appropriate Assessment undertaken by the planning authority.
- (d) No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European Sites.

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 received by the planning authority on the 19th day of January 2024, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

4. The proposed development shall be amended as follows:

- (a) The proposed studio unit (Number 5) and proposed studio unit (Number 6), as referenced on drawings received by the planning authority on the 19th day of January 2024, shall be omitted. For the avoidance of doubt, this permission is for seven number units in total. The internal layout of proposed apartments numbers 1, 2 and 3 (within the rear extension block) shall be so revised to incorporate the first-floor area of omitted unit number 5 and number 6 with the provision of an internal staircases and incorporating double height spaces in a revised layout.
- (b) The proposed external walkway over the existing rear flat roof lobby/link with new fire escape doors to serve same shall be omitted.
- (c) The storage space dedicated to unit number 5 and number 6 within the basement area shall be redistributed.
- (d) The proposed bin storage provision shall be reduced proportionately with the omission of the two number units (namely unit number 5 and number 6).
- (e) All windows on the front elevation to be timber sliding sash.

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 interests of visual and residential amenity.

- 5. Prior to the commencement of development, the developer shall provide detailed drawings and specifications of the outward opening fire exit door to the front elevation for the written agreement of the planning authority.

Reason: In the interest of the preservation of the visual amenity of the Architectural Conservation Area and the protection of the architectural heritage.

- 6. Prior to the commencement of development, the developer shall submit details of external lighting within the development for the written agreement of the planning authority.

Reason: To enhance the safety of pedestrians accessing this development.

7. The landscaping scheme shown on the Proposed – Lower Ground Floor Communal Space drawing number 2003-P-.23, as submitted to the planning authority on the 19th day of January, 2024 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

(a) The 1.2 metre wide breach on the eastern boundary (seawall) shall be infilled using stone to match existing stone within the boundary seaward side.

(b) Landscape planting shall be native species of Irish provenance only, reflecting those species naturally occurring in the locality.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation

of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

12. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

13. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme

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

Board Member

Eamonn James Kelly
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Date: 01/04/2025