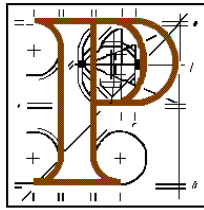


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: T.P. 14/36230

An Bord Pleanála Reference Number: PL 28.245949

APPEAL by Mary Saunders of Forde's Public House, 2 Barrack Street, Cork against the decision made on the 11th day of December, 2015 by Cork City Council to grant subject to conditions a permission to Finbarr O'Shea care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: An extension to the side and rear and change of use of the existing ground floor of a former school hall to function room, bar and restaurant with ancillary outdoor seating area. The proposed works include the demolition of the existing side elevation and the construction of a single storey extension to the side of the school building. The proposed extension to the rear of the building will provide a new bar utility room, toilets and cold room. The proposed development includes the relocation of an existing Electricity Supply Board substation with access from Blackmore Lane, a lean to roof, modifications to the rear façade of the former school including an extension of the steel gangway at first floor level and all ancillary site development works, all at Sullivans Quay, 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 nature and scale of the proposed development, the pattern of development in the area, the existing use of the application site and adjacent lands, and the provisions of the Cork City Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenity of the area, would be in accordance with the policies of the said development plan, would support the primacy and vibrancy of the city centre 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 16th day of November, 2015, 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. Prior to commencement of development, details of signage for the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and to protect the character of the Architectural Conservation Area and the streetscape.

3. No awnings, canopies, roller shutters or additional external lighting shall be erected or displayed on the premises or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the Architectural Conservation Area and the streetscape.

4. Details for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The approved scheme shall be implemented before the use commences and thereafter be permanently maintained.

Reason: In the interest of public health and to protect the amenities 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. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

7. No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: To safeguard the amenities of the area and in the interest of orderly development.

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 08.00 to 22.00 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L_{90} and the specific noise shall be measured at $L_{Aeq.T}$.
- (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 exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at $L_{Aeq.T}$.
- (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 5 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. Details of the arrangements in relation to deliveries during the operational phase of the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

10. Detailed proposals in relation to refuse storage, including adequate provision for recycling, shall be submitted to, and agreed in writing with, the planning authority and implemented prior to occupation of the development.

Reason: In the interests of amenity and orderly development.

11. 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 amenity.

12. 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 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.

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.

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

Dated this day of 2016.