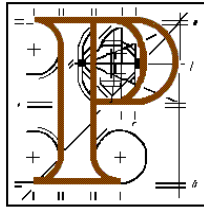


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: 15/36693

An Bord Pleanála Reference Number: PL 28.246517

APPEAL by Michael and Madeleine Lehane and others care of 7 North Abbey Square, North Mall, Cork and by Christopher Gogan of 18 Rock Cottages, North Mall, Cork against the decision made on the 6th day of April, 2016 by Cork City Council to grant subject to conditions a permission to Prosys Sampling Systems Limited care of Magee Creedon Architects of 11 North Abbey Street, Northgate Bridge, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from tutorial/language centre to four number apartments consisting of (1) a two bedroom apartment on ground floor, (2) a one bedroom apartment on first floor, (3) a one bedroom apartment on second floor, (4) a one bedroom duplex apartment on first and second floors, (5) a new garden deck at second floor level to rear, (6) alterations to Crispin's Lane elevation including new glazed screen at entrance and new bay window at first floor level and (7) ramp to entrance on North Abbey Street and all associated site works at 4 North Abbey Street, 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 provisions of the current Cork City Development Plan, the location of this vacant structure within Shandon Architectural Conservation Area, the pattern of development in the area, the planning history of the site and the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would provide a viable alternative use of a vacant historic building in an Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed apartments are significantly in excess of the minimum floor area requirements set out the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in December, 2015 and considered that the benefits of providing a sustainable residential use in this old building in this city centre location would significantly outweigh any deficiencies in amenity provision for future occupants particularly in terms of access to private open space. The Board shared some of the third party concerns in respect of the proposed second level deck and the proposed new bay window to Crispin's Lane and omitted these elements by condition in order to protect the visual and residential amenities 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 10th day of March, 2016, 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) The proposed second floor rear deck and support structure to serve the duplex unit shall be omitted and the existing east facing window opes retained to serve the kitchen/living room.
 - (b) The west facing first floor bay window (over Crispin's Lane) to serve apartment number 2 shall be omitted and the existing west facing window ope retained to serve the kitchen/living room.

A revised drawing showing these modifications shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the visual and residential amenities of the area.

3. Appropriately detailed timber sash windows to match the original windows in frame size and moulding detail which overlook the inner courtyard shall be installed in place of the existing eleven number windows in the North Abbey Street elevation. Full details to be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of the amenities of the Shandon Architectural Conservation Area.

4. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or 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.

5. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

6. A plan containing details for the management of waste and, in particular recyclable materials) 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 for each apartment unit 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

Dated this day of 2016.