



Planning and Development Acts 2000 to 2017

Planning Authority: Cork City Council

Planning Register Reference Number: 1737436

Appeal by Deirdre Condon of 8 George's Quay, Cork and by An Taisce Corcaigh of Post Office Box 26, Togher, Cork against the decision made on the 30th day of November, 2017 by Cork City Council to grant subject to conditions a permission to BAM Property Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: A mixed-use hotel and office development with a total gross floor area of 22,698 square metres, which is an alteration and modification of the mixed-use development permitted by planning register reference number T.P. 08/32886 and An Bord Pleanála appeal reference number PL 28.229832. The proposed development makes provision for the demolition of all existing structures and the construction of two replacement buildings over two basement floors. The proposed hotel building with accesses from a central courtyard and emergency exits to Meade Street, ranges in height from six storeys with a set-back 5th floor to Cove Street to a 12-storey cylindrical tower on the corner of Sullivan's Quay and Meade Street. The proposed hotel will provide for 193 bedrooms with ancillary service areas,

plant and car parking at basement level, ancillary bar, restaurant, and retail area at ground floor level, conference and meeting facilities at 1st floor, gym on the 9th floor and lounge on the 11th floor. The proposed office building with access from Sullivan's Quay and emergency exits to Drinan Street is six storeys in height and has a gross floor area of 9,310 square metres. Access to the proposed basement, which provides for car and bicycle parking with associated shower facilities will be via a new entrance to Cove Street and the proposed development makes provision for Electricity Supply Board substations, switch rooms and service areas on Drinan Street, ancillary plant at 6th floor roof level, ancillary signage and all associated site development works. All at The Former Government Buildings, Sullivan's 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 location of the site within the Central Commercial Core Area as designated in the current Cork City Development Plan, to the scale and character of the existing development on site, to the previously permitted development on this site under An Bord Pleanála appeal reference number PL 28.229832, and to the design 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 visual amenities or character of the area or 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 3rd day of November, 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. No telecommunications equipment shall be erected on the building without a prior grant of planning permission.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a detailed proposal and report for all subsurface works (including any requirement for dewatering before, during, or after construction works) including full details of foundation design and construction prepared by a suitably qualified engineer and also including a detailed assessment by a hydrogeological specialist that will address any potential impacts beyond the appeal site due to direct or indirect alterations to groundwater levels. The report shall also detail all flood prevention/control measures to be employed in the development. Works shall not commence until the planning authority have agreed in writing that they are satisfied with the measures proposed.

Reason: To ensure that deep excavations do not cause impacts on any adjoining property and that there is no environmental pollution or other environmental impacts due to the development and to prevent flooding.

4. The developer shall facilitate the planning authority in the archaeological appraisal of the site, and in preserving, recording or otherwise protecting archaeological materials or features which may exist within it. In this regard, the developer shall -
- (a) employ a suitably qualified archaeologist who shall test the site prior to commencement of development;
 - (b) submit to, and agree in writing with, the planning authority full details of the foundation design to include details of pile layout and pile caps along with a report prepared by a suitably qualified archaeologist on the inspections of same;
 - (c) 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;
 - (d) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works; and
 - (e) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site on account of the location within the Zone of Archaeological Potential and to secure the preservation of any remains in situ.

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 and to ensure a proper standard of development.

6. Within three months of the occupation of the development, the developer shall submit to the planning authority for written agreement a commuter mobility management plan.

Reason: To discourage traffic congestion in the central city area.

7. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a comprehensive traffic management plan to include details of one way flow along Meade Street, Cove Street and Drinan Street along with controls for access to the car park serving the development.

Reason: In the interests of traffic convenience and public safety.

8. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, proposals for energy use within the development. The developer shall endeavour to use sustainable sources of energy and to operate an energy conservation policy on the design and operation of the complex. In particular, the use of combined heat and power technology shall be investigated for possible use.

Reason: In the interest of energy efficiency in the building.

9. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of wastes 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 provisions of the Cork City Waste Management plan.

Reason: In the interests of orderly development and sustainable waste management.

10. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including noise, dust, hours, traffic management, lighting, pedestrian safety, and water quality protection measures.

Reason: In the interest of amenities and public safety.

11. (a) No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site without a prior grant of planning permission.
- (b) Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no items associated with refrigeration, ventilation or air conditioning, roof plant, any antennae or dishes for telecoms, shall be erected or placed on any external surface of the proposed structures without the prior written agreement of the planning authority. Details relating to any items associated with refrigeration, ventilation or air conditioning, roof plant, any antennae or dishes for telecoms, proposed on any external surface shall be submitted to, and agreed in writing with, the planning authority and shall also indicate clearly precautions, that is, containment to avoid excessive noise or nuisance to adjoining properties.

Reason: In the interest of visual amenity.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

13. All proposed vehicular and pedestrian access points shall be designed in accordance with the Design Manual for Urban Roads and Streets. Details in this regard shall be agreed in writing with the planning authority prior to commencement of development. All costs associated with this condition shall be borne by the developer.

Reason: In the interest of traffic safety.

14. An upgraded public realm (including footpaths) on Cove Street, Meade Street and Drinan Street shall be provided in full by the developer. Details of the public realm upgrade shall be agreed in writing with the planning authority prior to commencement of development. All costs associated with this condition shall be borne by the developer.

Reason: To facilitate safe pedestrian access to the development.

15. 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 the 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.

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

Dated this day of 2018.