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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 1737530**

**Appeal** by Seamus and Eileen Lantry care of Stephen Dowds Associates of 5 Mary Street, Galway against the decision made on the 18<sup>th</sup> day of January, 2018 by Cork City Council to grant subject to conditions a permission to Eoin Sheehan care of Butler O'Neill of Total Planning Solutions, Millroom, Thompson House, MacCurtin Street, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a four-storey tourist accommodation building and all associated ancillary site works consisting of the demolition of a one to two-storey existing vacant commercial building and the construction of a four-storey building consisting of 192 number bed spaces of tourist accommodation. A café servicing the scheme is proposed on the ground floor with 64 number bed spaces proposed on each of the upper floors (first, second and third floor). The building will front onto Fitton Street with pedestrian access provided at this location, all at Number 9 Fitton Street, Cork City, as revised by the further public notice received by the planning authority on the 13<sup>th</sup> day of December, 2017.

## **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 extent of the proposed development, its design, scale and finish, the pattern of development in the area and the zoning objective of the site in 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 residential amenities of property in the vicinity or the visual amenities of the area 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 6<sup>th</sup> day of December, 2017, and the 13<sup>th</sup> day of December, 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. The west facing windows to the centrally sited 12 bed space rooms located west of the stairwell at first, second and third floor levels shall be doubled in size. Revised drawings showing compliance with this amendment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of the amenity of future occupants of the tourist accommodation.

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 4. Details of any signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to afford the planning authority, the opportunity to control signage in the interest of visual amenity.

- 5. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. 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.

7. 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.

**Reason:** In the interest of sustainable waste management.

8. 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 residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

10. 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 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.

11. 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. Such lighting shall be provided prior to the commencement of the proposed use of the building.

**Reason:** In the interests of amenity and public safety.

12. Permission is hereby granted for the use of the building for short stay tourist accommodation only. Any change of use of this building to any other use, including any other use within Class 6 of Part 4 of Schedule 2 to Article 10 of the Planning and Development Regulations, 2001 – 2017, shall be required to be the subject of a further planning permission.

**Reason:** In order to afford the planning authority, the opportunity to control the use of the building in the interest of the proper planning and sustainable development of the area.

13. Permission is hereby granted for a café, which shall only be used on an ancillary basis to the tourist accommodation use of the building. Any change in the use of this café, including any change that would entail it being open to the public as distinct from patrons of the tourist accommodation building only, shall be required to be the subject of a further planning permission.

**Reason:** In order to afford the planning authority, the opportunity to control the use of the building in the interest of the proper planning and sustainable development of the area.

14. The tourist accommodation use shall operate in accordance with the details submitted to the planning authority on the 6<sup>th</sup> day of December, 2017.

**Reason:** In the interest of the residential amenities of the area.

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 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.



16. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

**Dated this            day of            2018.**