



Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Planning Register Reference Number: T.P. 17/37517

Appeal by John O'Mahony care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 18th day of January, 2018 by Cork City Council to grant permission to Finbarr Corkery care of Waterman Consulting Engineers of 4 Union Quay, Cork for development comprising extension of existing property at 16 Saint Patrick's Quay, Cork (Macau Sporting Club) into an existing adjoining two-storey property at 12 Saint Patrick's Quay. The proposed development will include: Alterations to 12 Saint Patrick's Quay, a material change of use from retail to gaming and leisure at 12 Saint Patrick's Quay, elevational alterations to include removal of existing pitched roof and provision of a new flat roof for 12 Saint Patrick's Quay. Retention also sought for existing signage to 12 St. Patrick's Quay as well as 16 Saint Patrick's Quay, Cork in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for material change of use from retail to leisure at 12 Saint Patrick's Quay, the extension of 16 Saint Patrick's Quay into the adjoining property at 12 Saint Patrick's Quay, and alterations to number 12

Saint Patrick's Quay in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the retention of banner signage at 12 and 16 Saint Patrick's Quay based on the reasons and considerations marked (2) under

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 (1)

Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of Cork City Development Plan 2015-2021, and to the nature and scale 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 residential or visual amenities of the area, and would 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 14th 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 proposed development shall be amended as follows:
 - (a) Details of the proposed new roof, together with all junctions and parapet details at number 12 Saint Patrick's Quay shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Details of the proposed fascia sign to number 12 Saint Patrick's Quay, including any associated lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) External roller shutter shall be removed, and details of ground floor elevation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. A site specific flood risk assessment shall be submitted to and agreed in writing with the planning authority prior to commencement of development having regard to the vulnerability and proposed use of the property. The risk assessment shall include proposals detailing measures to address the risk of flooding within the property, including measures with respect to managing and mitigating flood risk to occupants and users, and shall also address egress from the building in the event of a flood, together with flood resilience and protection of the building.

Reason: In the interest of public health.

4. The extended area shall not operate independently of the existing club without a prior grant of planning permission.

Reason: In the interest of the proper planning and sustainable development 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.

Reason: In the interest of public health.

6. 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.

7. 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.

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 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining a noise sensitive building in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeqT.
 - (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 exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
 - (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 five-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. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
- (b) All windows and roof lights shall be double-glazed and tightly fitting.
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

Reasons and Considerations (2)

Having regard to the policies and objectives of the Cork City Development Plan 2015-2021 and the level of existing and permitted advertising signage in the vicinity of the site, it is considered that the proposed signage to be retained would be visually intrusive and would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.