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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 18/37894**

**Appeal** by An Taisce Corcaigh of Post Office Box 26, Togher, Cork against the decision made on the 8<sup>th</sup> day of October, 2018 by Cork City Council to grant subject to conditions a permission to Clontarf Street Developments Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of an office building which will comprise of fifteen (15) storeys above ground level and a gross floor area of circa 5,985 square metres on a triangular site which is bounded by Clontarf Street, Deane Street and Oliver Plunkett Street Lower in Cork City. The proposed ground floor use will comprise of lobby, office rooms and building services and the first to fourteenth floors will comprise of office use and building services. A roof top terrace will be provided for staff above the fourteenth floor and will include a canopy structure that will oversail the public footpath adjoining Clontarf Street. A glass canopy oversails Deane Street at the third floor level. From the third floor up to the roof terrace the proposed building will overhang the public footpaths along Clontarf Street and Oliver Plunkett Street Lower by approximately two metres. The proposed

development will also include a double basement with ancillary plant and equipment and a water tank. The main pedestrian access to the building will be via Clontarf Street and the existing electricity substation will be relocated within a secure room on the ground floor of the proposed building with secure access from Deane Street, all at Clontarf Street, Deane Street, and Oliver Plunkett Street Lower, Cork City.

## **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

In coming to its decision, the Board had regard to the following:

- the “Urban Development and Building Heights Guidelines for Planning Authorities”, issued by the Department of Housing, Planning and Local Government in December 2018,
- the National Planning Framework,
- the Cork City Development Plan 2015 – 2021,
- the existing character and pattern of development in the area and the city centre location of the site together with its proximity to public transportation infrastructure,
- plans and details included with the application, and
- the layout, form, mass, height, materials, finishes and design detail.

It is considered that, subject to compliance with the conditions set out below, the proposed development -

- would secure the redevelopment of underutilised urban land in a prime city centre location strategically positioned close to a major transport node,
- would be consistent with national and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas,
- would integrate satisfactorily with the surrounding existing development and with the established character of the sensitive historic city centre,

- would enhance the skyline of the area,
- would make a positive contribution to the urban character of the area,
- would not seriously injure the amenities of development in the area and the character and appearance of Protected Structures in the area,
- would not have a significant and detrimental impact on any important views and vistas within the city, and
- would be acceptable in terms of public and private transport and pedestrian safety and convenience.

The Board concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment Screening:**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a redevelopment of land within a zoned and serviced urban area), the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## 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 10<sup>th</sup> day of July, 2018, 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. Details of the materials, colours and textures of all the external finishes to the proposed development 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. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

4. 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.

5. (a) Upon commissioning of the structure, noise from activities associated with this development shall not give rise to noise levels off site exceeding 55 dB(A) leq, 15 minutes during the hours of 0800-2200 and 45 dB(A) leq, 15 minutes during the hours of 2200-0800. There shall be no audible tonal or impulsive noise. The developer shall engage the services of a noise specialist to assess compliance with this condition as required.
- (b) Any public address system provided for this development (except for emergency purposes) shall be located internally.
- (c) Noise from the premises shall not exceed the background levels by more than 5 dB(A) during the period 0800-2200 and by more than 3 dB(A) at any other time when measured at any external position at a noise sensitive premises. The noise level shall be measured at Leq, 15 minutes.

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

6. The light trespass into windows of houses shall be limited to a maximum of 10Ev (vertical illuminance in lux) before 2300 hours and 2Ev after 2300 hours. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, calculations either manual or computer based to demonstrate that these limits shall not be exceeded at the windows of a representative sample of houses at different locations around the site.

**Reason:** In the interests of residential amenity and sustainable development.

7. 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.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. The replacement and upgrades to street lighting for the extent of new building line shall be carried out by the developer, and at the developers' expense, and shall be in compliance with the planning authority's external lighting requirements.

**Reason:** To cater for more sustainable energy use and facilitate the proposed improvement in the level of service for all modes but especially pedestrians and cyclists.

10. Details of the provision of a minimum of 40 number high quality covered cycle parking facilities within 500 metres of the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development. These facilities shall be provided either by way of a licence agreement with the planning authority or shall be the subject of a separate planning application.

**Reason:** In the interest of traffic safety.

11. All proposed vehicular and pedestrian access points shall be provided at the developers' expense and shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of all road markings and signage requirements for Deane Street, Oliver Plunkett Street Lower and Clontarf Street. The costs associated with these works shall be borne by the developer.



**Reason:** In the interest of traffic safety.

13. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

14. The uncontrolled pedestrian crossings at both ends of Deane Street shall be replaced with raised table-top crossings designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) to prioritise pedestrian movements at these locations. The two uncontrolled crossings at the northern end of Deane Street shall be combined to form a junction plateau at the intersection of the bus station access (as described in section 2.3.4 of the Road Safety Audit). Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The costs associated with these works shall be borne by the developer,

**Reason:** In the interest of pedestrian safety.

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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**Paul Hyde**

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

**Dated this            day of            2019.**