



Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Planning Register Reference Number: T.P. 18/38015

Appeal by Eleanor Hunter of “The Cobblestones”, 19 McCurtain Street, Cork and by BAM Property Limited care of Scott Tallon Walker Architects of 72 South Mall, Cork against the decision made on the 10th day of October, 2019 by Cork City Council to grant subject to conditions a permission to BAM Property Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development of an event centre/arena and associated logistical support offices. The application represents a change of design from that already permitted under planning register reference number 10/34698, appeal reference number PL 28.238393 and relates to Zones C1 and C2 of that permission. The proposal includes for (a) construction of an event centre/arena measuring 11,144 square metres, and (b) construction of 2,176 square metres of new office units to serve as logistical, management and back-of-house support functions for the event centre/arena. The total area of building measures 13,320 square metres all of which is dedicated to the management and operation of the event centre/arena. The overall height of the proposed structure is 29.350 metres OD, circa 300 millimetres higher than the previously permitted structure. The application relates to a site which

contains a protected structure, all at the former Beamish and Crawford Brewery site at South Main Street, French's Quay and Proby's Quay in the City of Cork. The site is bounded on the south and west by the south channel of the River Lee, French's Quay and Proby's Quay, on the east by South Main Street and on the north by Cremer's Lane and the development permitted on the existing old brewery complex under planning register reference number 17/37658. The proposed development was revised by further public notices received by the planning authority on the 3rd day of July, 2019 and the 28th day of August, 2019.

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 zoning objectives of the site, the historic nature and use of the site and the pattern of development in the immediate vicinity of the site, 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 and would be acceptable in terms of archaeological protection and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed a screening and appropriate assessment in relation to potential impacts on European sites and, having regard to the Natura impact statement submitted and the Inspector's report and submissions on file, the Board concluded that on the basis of the information available that the proposed development either individually or in combination with other plans and projects would not adversely affect the integrity of the Cork Harbour Special Protection Area – Site Code:004030 or the Great Island Chanel Special Area of Conservation – Site Code:001058 in view of the site's conservation objectives.

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 to the planning authority on the 3rd day of July 2019 and the 28th day of August 2019, 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 event centre shall not become operational in advance of the proposed pedestrian bridges between the site and French's Quay and Crosse's Green Quay becoming operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of public safety.

3. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura impact statement submitted to the planning authority on the 28th day of August, 2019 are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment.

4. The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment received by the planning authority on the 3rd day of July, 2019 are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment.

5. Prior to commencement of development, detailed plans for all finishes to public areas, including the proposed bridges and quay walls, shall be submitted to and agreed in writing with the planning authority. These proposals shall include a full specification for surfacing and hard and soft landscaping (including proposals for maintenance and public access) and details of planting, public art, lighting schemes, security measures and the incorporation of historic names with appropriate nameplates. This shall also include full details of all alterations to footpaths and the public highway.

Reason: In the interest of protecting amenity and enhancing public areas in accordance with the zoning designation.

6. Prior to commencement of development, the developer shall submit to the planning authority a detailed proposal and report for all subsurface works (including any requirement for dewatering before, during, or after construction works), including a detailed assessment by a hydrogeological specialist that will address any potential impacts beyond the appeal site of direct or indirect alterations to groundwater levels. Works shall not commence until the planning authority have agreed in writing that they are satisfied that satisfactory provision has been made for the protection of off-site archaeology and adjoining properties in the event of changes to groundwater levels or composition. This report shall also include a level 3 risk assessment with specific measures to protect

the ground floor and basement levels of adjoining properties from flooding.

Reason: To protect the subsurface archaeology of the area, to protect the value of adjoining properties, and to protect from flooding.

7. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of protecting the visual amenities of the area.

8. Prior to commencement of development, the developer shall agree in writing with the planning authority the intended opening hours of the ticket office.

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

9. Notwithstanding the provisions of the National Monuments Acts 1930-2004, with regard to the area surrounding the City Wall, 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) 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) submit to and agree in writing with the planning authority revised proposals for the design of the foundation pads and piles. These

shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance to a negligible degree,

- (c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (d) 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 and to secure the preservation of any remains which may exist within the site.

- 10. Prior to occupation of the development, details of the proposed corporate signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and visual amenity.

- 11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. 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 noise management measures and off-site disposal of construction/demolition waste.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

15. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, other than that located entirely within the proposed screened rooftop plant area, and which is below the level of the screen for this area, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

16. (a) The mobility management plan for the site shall be updated with actual figures in respect of traffic volumes, modal shift and any other agreed parameters on an annual basis. Any actions arising out of the mobility management plan shall be implemented in the following year. The mobility management plan shall be continually monitored by the mobility manager and a revised plan submitted for agreement to the planning authority on an annual basis for as long as seen beneficial by the planning authority.
- (b) A mobility manager shall be appointed for the events centre with all associated costs borne by the developer.

Reason: In the interest of traffic safety.

17. 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.

18. 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.

19. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of in respect of the provision of two pedestrian bridge crossings from the site to French's Quay and Crosse's Green and public realm improvements at the western landings of both bridges and on South MainStreet. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index –

Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Paul Hyde

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

Dated this day of 2020.