



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/00565

Appeal by Aidan O'Brien of Killinga, Leap, County Cork and by Remcoll 3 Limited care of Meitheal Architects of 15 Father Mathew Quay, Cork City against the decision made on the 14th day of September 2020 by Cork County Council to grant subject to conditions a permission to the said Remcoll 3 Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of: (1) The change of use and the renovation and alteration of the former convent chapel, a Protected Structure (RPS 085) for use as commercial facilities (accommodation to include: multipurpose room, 'hot desks', the installation of first floor office pods and ancillary facilities) and a community room. (2) The change of use and the renovation and alteration of the former Mercy convent, a Protected Structure (RPS 086), for use as seven number apartments: two number one-bedroom, two number two-bedroom and three number three-bedroom apartments, community space, management office and ancillary facilities. (3) The demolition of existing single storey glass boiler room abutting south elevation of the former Mercy convent, a Protected Structure (RPS 086). (4) The change of use and the renovation and alteration of the former Mercy Heights

School, a Protected Structure (RPS 087) from former school to four number office units with ancillary facilities. (5) The construction of a new four-storey apartment block located to the south-east of the site consisting of 52 number apartments: 41 number two-bedroom and 11 number one-bedroom apartments. (6) The construction of six number two-storey, two-bedroom terrace houses to the west of the site, adjacent to North Street. (7) The retention of the partially complete four-level underground carpark (planning register reference numbers 06/57052 and 07/57052) and its alteration and completion to provide car-parking facilities and an associated access podium at ground level to the north of the site. Permission is also sought for all ancillary site services including hard standing, lighting, parking, landscaping areas, erection of signage to the northern boundary of site, construction of refuse compound, and connection to public foul sewer and public services, all at a site formerly known as Sisters of Mercy Convent, Gornaclohy Townland, North Street, Skibbereen, County Cork. Revised public notices were received by the planning authority on the 18th day of August, 2020.

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 Skibbereen town centre,
- the mixed-use zoning provision for the site as set out in the Skibbereen Town Development Plan,
- the proposed development's siting within a designated Architectural Conservation Area,
- the existence of three protected structures within the site and the need for renewal and reuse of these structures,
- the designation of this site as an 'Opportunity Site' for urban renewal and regeneration in the Town Development Plan,
- the policies and objectives of the Plan seeking to promote and facilitate the development of this 'Opportunity Site', to promote reuse and redevelopment of existing vacant and derelict properties, to preserve and enhance the character of the town centre by protecting historical/architectural buildings, to protect structures entered onto the Record of Protected Structures, and to encourage their reuse/conservation/restoration and appropriate use,
- the established pattern of development in the area,

- the nature and extent of the existing structures and uses associated with this site,
- the proposed access and site boundary treatment provisions, and
- the layout, scale, design of the proposed development and its separation distance from protected structures contiguous with the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Skibbereen Town Development Plan, would be acceptable in terms of height, scale, form and design, would not seriously injure the visual amenities of the area, would not adversely impact on the setting of adjoining protected structures, would represent an appropriate design response to the site's context, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development 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 15th day of July 2020, 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. All proposed works to the protected structure, both internally and externally, shall be carried out under the supervision of an RIAI accredited Grade 1 qualified conservation architect and in accordance with the requirements of the Cork County Council Conservation Officer. Prior to the commencement of any development on the site, full details shall be submitted for the written agreement of the Planning Authority.

Reason: To secure the authentic preservation and the protection of the fabric, form and character of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. 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.

4. 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 within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of perimeter walls.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

6. Details of any alterations to the road and pedestrian network serving the proposed development, including footpaths, kerbs and access road to the underground car park shall be in accordance with the construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and

Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. 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 parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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 developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

10. 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 making available for occupation of the proposed development

Reason: In the interests of amenity and public safety.

11. 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 traffic management measures.

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

12. 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. The plan shall include details of waste 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 provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. 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.

14. 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 recyclable materials 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.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a contribution in lieu of the deficiency in parking provision required in accordance with the provisions of Skibbereen Town Development Plan and for improvements to the junction of Local Road L-9801 and Regional Road R595 as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000. This contribution shall be paid prior to commencement of development. The form and amount of the contribution shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the delivery of public parking and transportation management in the vicinity of the site.

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 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.

Paul Hyde

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

Dated this day of 2021