



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: 20/39260

Appeal by Shandon Area Renewal Association and William Armitage care of 20 Dominic Street, Shandon Street, Cork against the decision made on the 24th day of September, 2020 by Cork City Council to grant subject to conditions a permission to Mavro Limited care of JCA Architects of Courthouse Chambers, 27/29 Washington Street, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Extension and change of use of former Public House to residential use to provide 10 apartment units at 21/22 Dominic Street, Shandon, Cork. The proposal will include modifications to the north elevation to Dominic Street. Demolition of existing extensions and detached rubble stone building to the rear. New slated roof to existing buildings to match historic roof profile. Modifications to internal floor plans to accommodate four apartments within existing structures. A new extension to the south to provide an additional six apartments over four floors. Modification to existing southern boundary rubble stone wall to Hill Lane at 21/22 Dominic Street, Shandon, Cork as revised by the further public notices received by the planning authority on the 28th 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 city centre location of the site, the zoning objective for the site as set out in the Cork City Development Plan 2015-2021, the pattern of development in the area and the nature, scale and design 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 visual amenities of the area or the amenities of property in the vicinity, would respect the architectural heritage of the area and the Shandon Architectural Conservation Area and would not seriously interfere with the notable city views of Saint Anne's Shandon. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to the conditions set out below, the scale, height, form and bulk of the proposed development would be in character with both the setting and character of the area including established roof profiles and in views to Saint Anne's Shandon. Nor did it consider that the proposed development would, by reason of scale and design, dominate and detract from adjacent established dwellings on Hill Lane by reason of overbearing impact. The proposed development is considered to be acceptable in terms of its appearance on the character of the area and its impact on the notable city views of the landmark building Saint Anne's Shandon.

The Board considered the proposed development to be consistent with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018, notwithstanding the provision of four single aspect north facing units without private amenity space. Given the location of the site and the nature of the proposed development, to refurbish an existing building in a central city centre location, it is considered that the proposed development would provide a satisfactory standard of amenity for future residents, and the overall quality of the proposed development would be acceptable in terms of both the Development Plan and the Guidelines.

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 28th day of August 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.
 - (a) The top floor of the proposed development shall be omitted (that is the living area to apartment number 10).
 - (b) Apartment number 9 (one bed unit) shall also be omitted and the resultant area reconfigured to provide the living space for Apartment number 10 – (that which is being omitted on the third floor) and an additional third bedroom shall be provided for. A revised layout shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of the visual amenities of the area and to protect the views of Saint Anne's Shandon.

3. Method statements, specifications and schedule of works for work to the existing retained structures and for the new construction are to be prepared by a registered architect qualified to RIAI conservation grade and submitted to the planning authority for written agreement prior to commencement of development. The architect should certify to the planning authority upon completion that the works have been carried out in accordance with good conservation practice.

Reason: In the interests of protecting the architectural heritage and character 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:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

5. 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. 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.

6. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

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 for each apartment unit 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. The public footpath outside the vehicular entrance shall be reconstructed at the developer's expense, unless otherwise agreed with the planning authority. This shall include the cost of modifying the public footpath to ensure that the design of the vehicle crossover clearly indicates that pedestrians have priority over vehicles. There should be no change in level to the footpath and no use of asphalt. The developer shall contact the planning authority's Road Maintenance Division to ascertain the required permits and specifications for any such works. A letter of consent from the planning authority will be

required prior to commencement of the works outside the red line boundary. All costs associated with this condition shall be borne by the developer.

Reason: To ensure that works to roads and footpaths are carried out to the standard required by the planning authority.

10. Prior to commencement of development, the developer shall agree the details and the extent of all road markings and signage requirements on Dominick Street with the planning authority. All costs associated with this condition shall be borne by the developer.

Reason: In the interest of traffic safety.

11. All external lighting requirements associated with the proposed development including lighting associated with the construction stage shall be designed collectively with any existing lighting (including public lighting) requirements. The external lighting requirements shall also optimise energy efficiency, incorporate glare control, and be agreed with the planning authority prior to commencement of development. The works are to be undertaken and paid for by the developer.

Reason: In the interest of traffic and public safety.

12. The developer shall comply with bicycle parking space standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018.

Reason: In the interest of traffic safety and promoting a sustainable travel development.

13. A Mobility Management Plan shall be submitted as part of the development. The Mobility Management Plan for the development 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 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 road's authority.

Reason: In the interest of traffic safety.

14. The targets and measures in the Mobility Management Plan (MMP) shall be agreed with the planning authority prior to first occupation of the proposed development.

Reason: In the interest of traffic safety.

15. 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.

16. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

17. 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.

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.

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

Dated this day of 2021