



An
Bord
Pleanála

Board Order
ABP-312570-22

Planning and Development Acts 2000 to 2021

Planning Authority: Cork City Council

Planning Register Reference Number: 21/40406

Appeal by An Taisce Corcaigh of PO Box 26, Togher, Cork against the decision made on the 17th day of December, 2021 by Cork City Council to grant subject to conditions a permission City Properties (Cork) Limited care of Butler O'Neill Total Planning Solutions of Old Thompsons Bakery, Thompson House, MacCurtain Street, Cork City in accordance with plans and particulars lodged with the said Council:

Proposed Development: The conservation, refurbishment, alteration and change of use of the existing structure including the partial demolition of original and non-original fabric and the construction of a mixed-use office and retail development with primary access from Grand Parade with service/ancillary access from Saint Augustine Street. The proposed development consists of the construction of a part three, part four, part six and part seven-storey office block comprising 104,711 square feet Ground Floor Area (9,728 square metres) (including retained area) as well as enclosed roof top plant at seventh floor level. The retail element comprises a total of 1,318.6 square feet (122.5 square metres) Ground Floor Area of comparison retail space fronting onto Grand Parade. The proposed office

space will be designed to be suitable for a single user or multiple users with subdivisions. The proposed development will also include roof terraces, rooflights, fire escapes, drainage, ancillary services, plant, bin storage, 66 number internal cycle parking spaces, staff changing facilities and one number ESB sub- station and all associated site development works at 'The Queens Old Castle', 84-89 Grand Parade, 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.

Reasons and Considerations

Having regard to the City Centre Zoning Objective for the area under which and the provisions of the Cork City Development Plan 2022- 2028 together with the pattern, character and appearance of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development in this location and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of urban design and surrounding residential amenity. 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 25th day of November, 2021 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 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 adhere to the specific mitigation measures set out in the applicant's Archaeological Assessment (dated July 2021)

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.

3. All works to the existing structure proposed to be retained on site, shall be carried out under the supervision of an accredited conservation professional [Conservation Architect RIAI Grade 1 or 2, or Architect with minimum Grade 3 conservation accreditation, or conservation Engineer] with specialised conservation expertise.

Reason: To secure the authentic preservation of the existing structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities 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. 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

7. Construction and demolition waste shall be managed in accordance with a construction and demolition waste 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:
- (a) 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.
 - (b) The plan shall include a detailed method statement to mitigate potential nuisance including noise and dust. The plan shall outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction.

Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.

8. 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 access, public safety and noise management measures.

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

9. 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 and maintenance until taken in charge by the local authority or management company of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

10. 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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this 21st day of October 2022