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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 21/40435**

**Appeal** by Agnes Fitzgerald of Woodview House, Kerrypike, Cork, County Cork against the decision made on the 18<sup>th</sup> day of May, 2022 by Cork City Council to grant subject to conditions a permission to Primark Limited and O'Flynn Construction (Cork) Unlimited company 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:** The redevelopment and amalgamation of retail units. The proposed works comprise the following: (1) reconfiguration and alterations to the existing layout to provide for two floors of retail, with ancillary storage, office and staff uses, and plant and equipment on the second and third floors; (2) change of use of 1 Cook Street and 3 Cook Street from restaurant use to retail use; (3) change of use of 33-34 St. Patrick's Street from commercial use to retail use; (4) demolition works to 33-34 St. Patrick's Street and 1-3 Cook Street to facilitate the reconfiguration of the retail space including demolition of existing floors and roofs and partial demolition of internal party walls; (5) partial demolition of Elbow Lane, integrating the northern part of the laneway into the retail floor area. The southern part of Elbow Lane will remain as private access and yard space for independent

retails units; (6) demolition of southern wall of 31-34 St. Patrick's Street and partial demolition of western façade of 27-30 St. Patrick's Street to incorporate Elbow Lane; (7) alterations to the façades of St. Patrick's Street (Protected Structures PS414, PS415, PS416 and PS417), Cook Street, Oliver Plunkett Street and Robert Street, including signage, adjustment to shopfront plinths, glazing, parapet detailing and site entrances; (8) widening of existing entrance at number 2 Cook Street to form a secondary entrance; (9) provision of underground sprinkler tank; (10) provision of new link corridor at second floor of 27-30 St. Patrick's Street, connecting the existing bridge over Robert's Street with the stock room at second floor level of 4-7 Robert Street; (11) provision of new signage panels on façades of St. Patrick's Street, Oliver Plunkett Street and Cook Street; (12) construction of new electricity substation at ground floor level with access onto Robert Street; (13) construction of new storm sewer under the footprint of 4 Cook Street (Protected Structure PS027) and (14) all associated ancillary site development works including drainage at Numbers 27-34 St. Patrick's Street, Numbers 99-102 Oliver Plunkett Street, Numbers 1-4 Cook Street and Numbers 4-7 Robert's Street, Cork City. The proposed development consists of the carrying out of works to Protected Structures PS414, PS415, PS416, PS417 and PS027.

## **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 ZO5 city centre zoning objective for the site in the current City Development Plan 2022, specific objectives 7.27 and 7.28 as they relate to retail, and to the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, it is considered that, subject to compliance with the conditions set out below, the proposed development which would provide for an enhanced comparison shopping unit, would assist in maintaining and strengthening the role of the city centre as the primary retail centre in the Cork Metropolitan Area, would not adversely impact on the built and cultural heritage, would not adversely impact on the amenities of property in the vicinity and 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 14<sup>th</sup> day of December, 2021 and the 21<sup>st</sup> day of April 2022, 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) All materials, colours and textures of the external finishes to the proposed buildings shall be in accordance with the Architectural Design Statement received with the planning application. Any deviation from these details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The five number projecting signs proposed to the St. Patrick's Street, Cook Street and Oliver Plunkett Street elevations shall be omitted.
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
- (d) External roller shutters shall not be erected. Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.
- (e) No adhesive material shall be affixed to the windows or shopfronts.

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

3. Prior to commencement of development, the developer shall provide for the following:
  - (a) the appointment of a conservation expert who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works,

- (b) retention of nib walls in the rear corners of the building on the ground and first floors and the inclusion of deep downstand beams between the remaining columns, following the line of the party walls and rear elevation,
- (c) retention of the first floor stairwell opening in the floor above the retained secondary staircase,
- (d) retention of the staircase balustrades up to first floor level, including the balustrading surrounding the existing stairwell opening. Where required, new balustrading surrounding the retained stairwell first floor opening shall match the design and material of the retained original balustrading,
- (e) retention and exposure of the existing ground and first floor ceilings, cornices and downstand beams,
- (f) inclusion of deep downstand beams between the columns on the ground floor along the boundary of Elbow Lane to show the original layout,
- (g) inclusion of deep downstand beams between the internal columns separating numbers 2 and 3 Cook Street,
- (h) submission of a window schedule that records the general date and condition of the existing windows and any proposed changes to windows, and
- (i) full details of any proposed replacement windows, including details of the pane arrangement, frames, glazing bars etc.

Revised plans with the necessary alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. A Conservation Method Statement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of protecting and conserving the heritage of the site.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

9. The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development, including:

- (a) details of security fencing and hoardings,



- (b) 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,
- (c) measures to obviate queuing of construction traffic on the adjoining road network,
- (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (e) alternative arrangement 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 the site development works,
- (f) details of appropriate mitigation measures for noise, dust, and vibration, and monitoring of such levels, and
- (g) off site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

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 interests of amenities, public health and safety.

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

11. An emergency management plan for flood events shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interests of public health.



**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 8<sup>th</sup> day of Nov. 2023.