

An
Bord
Pleanála

Board Order
ABP-314322-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 21/7337

Appeal by Anne McAuliffe and others of Lavender Cottage, Strand Street, Youghal, County Cork, and by Others, against the decision made on the 19th day of July, 2022 by Cork County Council to grant subject to conditions a permission to Youghal Cancer Support Company care of CEA Architects of 15 Mill Road, Midleton, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing two storey cancer support drop-in centre and construction of a new three storey cancer support drop-in centre and all associated site works at 29 Friars Street, Youghal-Lands, Youghal, County Cork. The site is within an Architectural Conservation Area.

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 established pattern of development within the vicinity of the site, and its location within a town centre as well as the supporting objectives for healthcare facilities as set out in the Cork County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining property or of the area and 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, in particular, the proposed changes as submitted to the planning authority at the further information stage, which included the reduction in height to single-storey where the proposed development abuts the existing residential property to the east (Lavender Cottage). The Board considered that the amended design of the proposed development had due regard to potential impacts on this neighboring property and that the impacts arising, including those on access to daylight/sunlight and visual amenity impacts, were acceptable while noting, inter alia, the town centre location of the properties and the height of the existing boundary wall between the application site and the residential property adjoining to the east. Likewise, the Board considered that the design of the proposed development had due regard to the property to the north, Number 28 Friar Street, and sought to maintain daylight access to the existing south facing windows in this neighboring property, which are located on/close to the shared boundary.

Conditions

1. The proposed development shall be carried out in accordance with plans and particulars lodged with the application to the planning authority on the 13th day of December 2021, as amended by the further plans and particulars submitted on the 23rd day of June 2022, except as otherwise may 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 the commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of works the developer shall submit final details of the following for the written agreement of the planning authority:
 - (i) Timber Louvres
 - (ii) Window Colour
 - (iii) Signage material and colour.
 - (iv) Colour scheme for the building.

Reason: In order to protect the visual amenities of the area.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the character of the Architectural Conservation Area.

4. The site shall be landscaped in accordance with the landscaping scheme submitted to the planning authority with the application, and this landscaping scheme shall be completed to the satisfaction of the planning authority prior to the commencement of use of the proposed development.

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

5. Notwithstanding condition number 4 of this permission, a revised plan in respect of the cycle parking area at ground floor level shall be submitted to the planning authority for written agreement prior to the commencement of development. The cycle parking area shall be altered to include a sheltered/covered roof area to offer protection of bicycles from rain.

Reason: In the interest of active travel and sustainable development.

6. Surface water shall not be permitted to flow onto the public road from the site.

Reason: To prevent the flooding of the public road.



7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

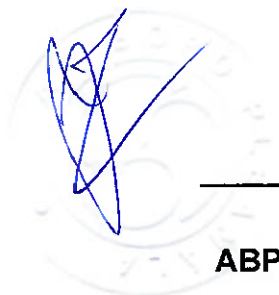
Reason: In the interests of orderly development and public health.

8. The developer of the site shall ensure that all works on site be carried out in accordance with the Surface Water Management Plan for the construction phase which provides measures to prevent and minimise any potential risk of silt contaminated surface water runoff from construction activities or stored soils/materials discharging into nearby gullies or drains.

Reason: To prevent surface water and groundwater pollution.

9. 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.

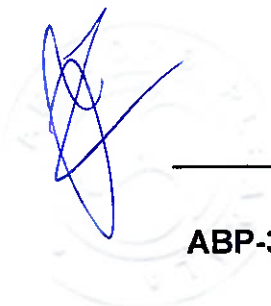


10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) 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. The operator of the site shall ensure that all liquids and hydrocarbons stored on site during demolition and construction phases shall be stored in a waterproof bunded area of sufficient volume to hold 110% of the volume of the largest tank within the bund. All valves on the tanks shall be contained within the bunded area. All operations involving the loading and unloading of hydrocarbon products shall take place in this bunded area in such a manner as to avoid any pollution of waters. The bunded area shall be fitted with a locking valve which shall be opened only to discharge to a sump prior to collection for treatment off site. The operator shall provide and maintain at the facility a spill kit to deal with spillages of oils, fuels and acids.

Reason: To prevent water pollution.



12. The developer of the site shall take adequate steps to prevent dust generation in dry weather periods, and shall spray the working area with clean water to minimise dust generation.

Reason: In the interests of the maintaining the amenities of the area, traffic safety and prevent air pollution.

13. The developer of the site shall ensure that all materials and other goods shall be stored within the confines of the building site at any time during the construction phases of this development, unless agreed otherwise with the planning authority.

Reason: To safeguard the amenities of the area and because the open storage of materials and other goods is not acceptable.



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

Dated this 20TH day of December 2023.