



An
Bord
Pleanála

Inspector's Report ABP-301096-18

Development	Permission is sought to retain and refurbish the front bays of the building as part of a new high order retail outlet. The rear portions of the building facing Cook Street will be demolished and replaced with a new build. A new additional top floor will be provided
Location	The former Victoria Hotel site, at 35-36 St. Patrick's St. & 38-39 Cook Street, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	1737668
Applicant(s)	R.E.S.A.M Properties Ltd.
Type of Application	Permission
Planning Authority Decision	To Grant Permission
Type of Appeal	Third Party
Appellant(s)	John Grace Nikki Murphy An Taisce - Corcaigh
Observer(s)	No observers
Date of Site Inspection	10 th August 2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site is located at the corner of St. Patrick Street and Cook Street and incorporates nos 35 and 36 St. Patrick Street and no. 39 Cook Street. The ground floor of the units fronting Patrick Street currently accommodate comparison retail units. The floors above were formerly occupied by the Victoria Hotel (constructed in 1810) but are currently vacant. No. 39 Cook Street comprises the entrance to the hotel premises. The existing building is 3 storeys in height.

2.0 Proposed Development

2.1 The proposed development comprises the consolidation of two existing retail units fronting Patrick Street with the former hotel entrance on Cook Street into a large ground floor retail unit with three floors of retail development above. The front block of the building will be retained and a new building will be constructed to the rear. The completed development will have a floor area of 2,269 sq. metres. The works include:

- The retention and refurbishment of the front bays of the building with a floor area of 465 sq. metres as part of a new high order retail outlet with new ground floor elevation to St. Patrick Street.
- The demolition of the rear portion of the building fronting Cook Street with an area of 1,702 sq. metres and the replacement with a new building comprising 1,817 sq. metres of floorspace. This building will be three storeys over ground with a first floor mezzanine. A new double height entrance is proposed from Cork Street.
- The construction of a new additional top floor. The new floor will replace the existing attic level including non-original dormers and water tank.
- Works include the removal of the mezzanine platform in the ballroom to return it to its original volume and restoration of ornate plasterwork.
- Relocation of an existing ESB sub station to the rear of the ground floor of the new building to be accessed from Cook Street.
- Retractable awnings to ground floor windows.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to 25 no. conditions. Conditions of note include:

Condition 2: Works to be carried out in accordance with good conservation practice.

Condition 3: The use of the unit shall be restricted to the sale of comparison goods.

Condition 4: Both entrances to the retail unit (Cook Street and St. Patrick Street) shall be available for public use at all times.

Condition 5: Details of signage to be submitted and that the existing street sign and commemorative plaque shall be incorporated into the completed development.

Condition 9: Archaeology

3.2. Planning Authority Reports

3.2.1. Planning Report (08.02.2018)

- The conservation approach adopted by the developer was endorsed by the Conservation Officer at pre planning stage who was satisfied with the proposed development. The reinstatement of the first floor ballroom will ensure the retention of the most significant part of the site.
- Considers the visual impact of the development to be slight/moderate and locally positive and that the top floor can be justified on urban design grounds which is supported by Paragraph 16.29 of the Development Plan.
- The redevelopment of the hotel will result in the consolidation of the existing floorspace into an attractive and viable space which will boost the retail profile of St. Patrick Street which has suffered since the recession.

3.2.2 Other Technical Reports

Environment Report (08.02.2018): No objection subject to conditions.

Conservation Report (07.02.2018): No objection subject to conditions. The report states:

"I consider the retention of St. Patrick's Street block which will involve the refurbishment and reinstatement of the full volume of the first floor will ensure the

retention of the most significant part of the site, notwithstanding the loss of the much altered section of the hotel at no. 39 Cook Street.”

Roads Design (Planning) Report (06.02.2018): No objection subject to conditions.

Archaeology Report (30.01.2018): No objection subject to condition. The report states:

“The significance of the building(s) is noted throughout the application. The intention to retain and renovate significant external and internal architectural features on this former hotel is welcome.”

Transport and Mobility Report (31.01.2018): No objection subject to condition.

Drainage Report (26.01.2018): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (27.01.2018): No objection.

An Taisce Corcaigh (12.01.2018):

- Consider that the additional floor will mutilate the existing elegant façade and threaten the value and character of these significant buildings.
- State that the restoration of the ballroom is a poor bargain given the loss of Cook Street in its entirety and the impairment of the St. Patrick Street façade.

3.4. Third Party Observations

Nikki Murphy, 38 Cook Street, Cork (leaseholder)

- Raises concerns regarding impacts during the construction phase and the impact that this will have on business trading, particularly to the outside seating terrace.

Agnes Fitzgerald, 38 Cook Street (owner)

- Concerns that building will be damaged during the construction phase.

John Grace, 37 Cook Street, Cork

- Submits that the development will have a significant negative impact on the streetscape and that development should only be considered as part of an overall plan for the street.

- The redevelopment of the hotel would be a permanent loss to the night time economy and have a negative impact to smaller traders on adjacent sites.
- Concerns raised regarding adequacy of Traffic Management Plan submitted.

4.0 Planning History

4.1 There have been a number of historic planning permissions relating to the site which are detailed in the planner's report, the most recent of which dates back to 2004. None of these previous permissions are of particular relevance to the current proposal.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Cork City Development Plan 2015-2021. The subject site is zoned City Centre Retail Area and it is the policy of the Council:

“To provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area.”

5.1.2 Chapter 4 of the Plan sets out the Retail Strategy for the City Centre. The following objectives are of particular relevance:

Objective 4.3 City Centre: *To protect and enhance the role of Cork City Centre as the primary retail centre in the south west region by facilitating the continued regeneration and modernisation of existing and the development of new retail building stock, coupled with a range of complimentary leisure, recreational and cultural uses and investment in public realm improvements.*

Objective 4.16 Vacant Floorspace: *To seek to reduce the level of vacant floorspace within the Core Retail Area by 50%, half of which should be occupied by retail use and the remainder by non retail uses or retail services.*

5.1.3 Chapter 9 of the Plan addresses Built Heritage and Archaeology. The following objectives are of note:

Objective 9.22 Reuse and Refurbishment of Historic Buildings and Protection of Archaeological Resource:

“The City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses”

Objective 9.28 Protection of N.I.A.H and Other Structures of Built Heritage Interest:

“The City Council as planning authority aims to protect structures of built heritage interest. The “Ministerial Recommendations” made under Section 53 of the Planning Acts, asking the City Council to protect structures will be taken into account when the City Council as planning authority is considering proposals for development that would affect the historic interest of these structures of significance.”

5.1.4 The subject site is located within the viewing envelope of two protected views:

HT2: View of Holy Trinity Church from St. Patrick Street

OC4: View of St. Finbarres Cathedral from Summer Hill North.

5.1.5 Under policy objective 10.25 it is stated:

“There will be a presumption against any development that threatens to obstruct strategic views or compromise the quality or setting of these views.”

5.1.6 Chapter 13 of the Plan sets out policies and objectives for the City Centre and Dockland areas. There are a range of policies that promote and support the primacy of the City Centre Retail Area as the priority location for comparison retail floorspace. It is identified that there is a need for the improvement and expansion of modern retail space to attract new occupiers. Under **Objective 13.2 New and Upgraded Retail Development** it is stated that it is the objective of the Council:

“To support the development and expansion of retailing in the City Centre Retail Area through upgrading and expansion of existing buildings and redevelopment on suitable sites particularly in areas close to primary retail frontages.”

5.1.7 With regard to building heights, it is stated in section 16.29 of the Plan:

“Within the City Centre and Inner Urban Areas (developed until 1920) the general building heights are varied to their naturally evolving character and varied building types and styles. The City Centre typically has a general building height of 3-5

storeys. *Due to the importance of the City Centre as an area of historic and architectural character, the existing building height of any new development within the City Centre would generally respect the areas existing character and context and should be in accordance with the prevailing hierarchy, character of buildings, save in exceptional circumstances where an increase in building height can be justified on sound urban design or architectural grounds.*"

5.1.8 Section 16.103-16.1.54 of the plan sets out guidance regarding shop fronts.

5.2. Other policy

National Inventory of Architectural Heritage

5.2.1 No.s 35-36 Patrick Street are listed as being of Regional significance in the NIAH. It is identified as *"a corner sited end of terrace five bay three storey hotel built in 1810"* and that the *"scale and form of the building make a notable and positive contribution to the streetscape"*. It states that:

"though now greatly altered to the ground floor, the upper levels of the building retain interesting features and materials, such as the timber sash windows, wrought iron sill guards and slate roof".

5.2.2 No. 39 Cook Street is also included in the NIAH and is described as a *"terraced two bay four storey former house, built c. 1820, as a pair with the adjoining former house to the south."* It states:

"Built as a pair with the adjoining former house to the south, they make a notable and positive contribution to the streetscape, due to their scale and form. This building is incorporated into the adjoining hotel to the north, and forms part of a significant group, as the hotel played a significant role in the social and historic life of the city."

Architectural Heritage Protection Guidelines for Planning Authorities

5.2.3 Chapter 7 sets out conservation principles and notes that it is generally recognised that the best method of conserving a historic building is to keep it in active use.

Metropolitan Cork Joint Retail Study 2012

5.2.3 This sets out guidance and policies for retail development at a strategic level for the Metropolitan area and notes that there is a need to continue to enhance and

reinforce the function of the retail core. It states that Cork City Centre should be the prime focus for future development and Policy 2 of the strategy states:

Policy 2: Cork City Centre

“To recognise Cork City Centre as the primary retail centre, particularly for higher order comparison goods, and to promote and enhance Cork City Centre in order to sustain its competitiveness in line with its designation as a ‘Gateway’ City within the National Spatial Strategy.”

Cork City Centre Strategy 2014

5.2.4 This sets out a strategy for the renewal and regeneration of Cork City Centre. It notes that the retail sector is fundamental to the economic and social vitality of the City Centre. Chapter 4.1.3 Modernising the St. Patrick Street and Surrounding Retail Offer states:

“The strategy must, therefore, be to make the City Centre retail area an excellent leisure experience.”

Retail Planning Guidelines 2012

5.2.5 Notes the importance of enhancing the vitality and viability of City Centres and the important role that retail development plays in this regard. It states:

“The centres of cities and towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible location for the majority of the catchment population. They should be supported in maintaining and expanding their retail offer to serve the population in a sustainable way which will also help to reduce the need to travel.”

5.3. Natural Heritage Designations

5.3.1 The nearest Natura site is the Cork Harbour SPA which is located c. 2.8 km to the south east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

Nikki Murphy, 38 Cook Street Cork (Leaseholder)

- Owner of a small business Vanilla and Co. located at 38 Cook Street. Notes concerns regarding the construction phase and impacts to the operation of the business and loss of footfall.
- Particular concerns raised regarding potential impacts on outdoor seated area from noise, dust etc. As an ice cream café it is vital that the sanitary condition of the business is not compromised.

An Taisce Corcaigh

- The development would constitute a significant adverse intervention in a building listed in the NIAH as being of Regional Importance.
- The hotel occupies a central position on St. Patrick Street and is an iconic building with significant historical associations. The permitted development would alter its existing form beyond recognition as one of the most significant early 19th century buildings on the street. The building would benefit from a more sensitive treatment than proposed including more appropriate treatment of windows and retention of quoin detailing.
- The additional new floor structure would overwhelm the existing façade in terms of scale and design and should be set back towards Cork Street by condition so that it would not be visible from St. Patrick Street.

John Grace, 37 Cook Street, Cork

- Considers that the development will have a significant impact on this adjacent property during the construction phase, particularly from noise and dust.
- Questions the viability of a large retail development at this location where similar businesses have closed or are struggling to survive. The sustainable future of the City Centre has to be in its diversity.
- The closure of the Victoria Hotel has had a significant impact on the night time economy and reduced footfall. The development would make such a loss permanent. Considers that Cook Street will become marginalised.

- Note that Penney's plan to develop a large store on Cook Street which will further reduce the variety of businesses trading. Considers that there is lack of clarity regarding the future development of the street.
- States that in 2015 Cork City Council were exploring the possibility of turning Cook Street into a major restaurant destination. The removal of the Victoria Hotel with its bar and restaurant is contradictory to these plans. The development would also undermine the Living Over the Shop initiative. There is an increased need for the development of living space above commercial premises.
- The development would contradict the policies regarding protection of heritage under the Cork City Development Plan.

6.2. Applicant Response

- The existing hotel ceased trading a number of years ago. The building is not a protected structure. The most suitable use is a high order retail use having regard to the location of the site within the primary retail street in the city.
- Issues relating to likely disturbance from construction works is something that is an outcome of all development. The Construction Management Plan prepared in support of the application will manage the construction phase in a way that will have the least impact on neighbours.
- With regard to concerns about reduced footfall, contend that the quality of the development will attract an international retailer and will attract increased custom to the area and contribute to the improvement and upgrading of St. Patrick Street.
- Following consultation with the Local Authority, it was agreed that the main conservation items to be addressed were the ballroom, its decorative ceiling and the contribution of the building to the streetscape. It was also determined that the rear building was of little merit and would be difficult to integrate into the development.
- Note that the building is in a state of disrepair and has been altered on numerous occasions with little of the original quality surviving. The design team have recognised the significance of this important building and have developed

a sensitive structural approach to allow the front block to be retained including a full restoration of the piano nobile ballroom and ornate ceiling.

- The current roofscape of the Victoria Hotel is a piecemeal collection of plant rooms, water tanks, pitched roofs and dormer windows making a non-cohesive unsightly vista from the surrounding streets. The proposal remakes the roofscape while also intensifying the scale and status of this corner. The articulation of the top floor seeks to contribute to and enhance the streetscape. The massing and materiality of the top floor has been carefully considered with respect to the existing elevation with the rhythm of windows matching those below.
- The top floor is clad in light grey stone and this material was chosen to identify it as new and distinct from the façade below and reinforce the buildings new identity as a high quality department store with a civic presence. The four storey scale serves to strengthen this important urban corner.
- The vertical layering and hierarchy of buildings on Patrick Street has been mapped and many consist typically of ground level shopfront datum, two floors above with a cornice element connecting to the rooftop level. This diversity is part of the streets architectural character and this established pattern has been followed in the design. Any reduction to the floor area of the top floor would jeopardise this architectural feature and impact on the viability of the upper floor and the scheme as a whole.
- This new retail building will transform the streetscape with elegantly proportioned windows and doors and a rich palette of materials in keeping with the legacy of the best retail buildings on St. Patrick Street. The Cook Street elevation will be enhanced and animated. The proposal re-instates the important surviving elements and together with the new building elements, reinstates the architectural importance of this corner in the city.
- The scale and massing of the proposed interventions have taken care to reference the surrounding urban grain and rectify the disproportioned modern shop fronts which currently exist on the ground floor without resorting to pastiche. The design deliberately avoids facadism. The entire front rooms of the building will be conserved and the first floor piano nobile banqueting room is

being restored to its former scale. The development conserves significant heritage to best practice standards while not being afraid to move boldly forward.

- Notes that the design was guided by The Valetta Principle for the Safeguarding and Management of Historical Cities, Towns and Urban Areas which states that *“new architecture must be consistent with the spatial organisation of the historic area and respectful of its traditional morphology while at the same time being a valid expression of the architectural trends of its time and place.”* The scheme was also guided by I.C.O.M.O.S Burra Charter which recognises that society should contribute to the building stock of an area in a sensitive manner and that new work should be readily identified as such.
- With regard to concerns about alterations to the structure, note that the ground floor has been altered insensitively beyond recognition and the development aims to restore the rhythm and proportion of this level. The first and second floor are to be conserved and no modern interventions will take place. The front section of the building consisting of rooms facing onto St. Patrick Street contain important historic plasterwork which will be conserved.

6.3. **Planning Authority Response**

- No response.

6.4. **Observations**

- No observations.

7.0 **Assessment**

7.1 The main issues in this appeal are those raised in the grounds of the appeals and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Principle of Development**
- **Construction Impacts**
- **Architectural Heritage**
- **Appropriate Assessment**

7.2 Principle of Development

7.2.1 The proposed development comprises the redevelopment of the former Victoria Hotel to create a new high order comparison retail unit. The subject site is zoned city centre retail area and St. Patrick Street is designated as a Primary Retail Frontage. The principle of the development is, therefore, acceptable. There is a suite of policies in the City Development Plan and the Metropolitan Cork Joint Retail Study 2012 that promote the development of higher order comparison retailing in the city centre. It is acknowledged that the City's centres prime retail areas including St. Patrick Street have experienced some erosion of retail activity due to the pressures of the recession, online shopping and out of town shopping centres and in this context, the regeneration and modernisation of this site for retail unit suitable for an international multiple comparison retailer is highly appropriate.

7.2.2 It is noted that concerns have been raised by one of the appellants regarding the viability of this location for retail development and that the development will have a negative impact on the night time economy due to the permanent loss of the hotel. With regard to the location, St. Patrick Street has long been the city's primary shopping street and accommodates a number of other higher order comparison retailers and department stores. The proposed development would complement this existing offer and strengthen the retail core. One of the difficulties in attracting MSU (medium sized unit) retailers to city centre sites is the lack of properties with a suitable floorplate and sufficient floorspace to cater for their needs. The proposed unit will have a floor area of 2,269 sq. metres which is suitable for such high end international multiple retailers.

7.2.3 The existing hotel premises has been vacant for a number of years. As noted in the Association of Town Centre Management Good Practice Guide on the Visual Affect of Vacant Units:

“Visually, vacant units can lead to perceptions of a high street with underlying problems such as high crime rate, a lack of investment and a lack of available goods and services. Consumers who believe there is a lack of activity happening on the high street might be tempted to shop elsewhere to the detriment of the surviving traders. Businesses who are looking to invest in an area might be sceptical of the

potential to make a profit from any high street struggling. There is potential for a downward spiral if consumers and businesses go elsewhere.”

7.2.4 I am satisfied, therefore, that the ongoing vacancy of this premises, particularly along Cook Street detracts from the visual amenities and vitality and viability of the area. Its redevelopment would attract a high order flagship store which would have consequential positive impacts in terms of increased footfall, effective utilisation of the upper floors and a significant visual improvement. I am satisfied, therefore, that the development is in accordance with the proper planning and sustainable development of the area.

7.3 Construction Impacts

7.3.1 Concerns have been raised by the owner and leaseholder of adjacent properties on Cook Street regarding potential construction impacts on their properties. It is acknowledged, given the extent of demolition works required to facilitate the development, that it will have short term negative impacts. However, these impacts will be temporary in nature and must be balanced with the positive outcomes the development will generate in terms of the regeneration and rejuvenation of a key city centre site for a high quality retail development. Mitigation measures can be implemented to minimise construction stage impacts. I am satisfied that this issue can be addressed appropriately by way of condition.

7.4 Architectural Heritage

7.4.1 The key issues raised by the appellants regarding architectural heritage relate to the extent of intervention to the existing buildings, and the impact of the additional floor on the character of the buildings and streetscape.

7.4.3 The existing buildings on the site are not protected structures and the site is not located within an Architectural Conservation Area. Both 35-36 St. Patrick Street and 39 Cook Street are however, identified on the National Inventory of Architectural Heritage, with the St. Patrick Street buildings considered to be of Regional Importance. The importance of the Victoria Hotel in the social and historic life of the city is noted and it is stated that the scale and form of the St. Patrick Street buildings make a notable and positive contribution to the streetscape.

7.4.4 The upper floors of the buildings have been vacant for some time and it is evident that over the years there has been significant intervention to the original character of the

hotel and the loss of many of the historic features of interest. The original ground floor façade to St. Patrick Street was removed in 2003 due the conversion to retail use with associated unsympathetic shopfronts. Most of the original sash windows have been removed. There was extensive consultation between the applicant and the City Conservation Officer regarding the development and it was determined that the key features of interest from a conservation perspective were the façade of the St. Patrick Street buildings and its contribution to the streetscape and the former ballroom with its curved plaster ceiling. It was determined that the Cook Street buildings are of no particular conservation interest. There is no objection from the City Conservation Officer to the development

- 7.4.5 A detailed conservation report is submitted in support of the application. This provides further detail regarding the extent of intervention to the existing buildings. It states that the objective of the proposal is to represent the significant elements of the Victoria Hotel with due regard to a viable and sustainable end use which can contribute to the architectural character of St. Patrick St. It also concludes that the only elements of significance are the ballroom plasterwork, the front elevation to St. Patrick Street with its 19th century proportions and social and historical associations. Having viewed the detailed information on file, I am satisfied that the development will ensure the retention and restoration of the most significant parts of the building.
- 7.4.6 The development will ensure a number of positive interventions from a conservation perspective. The original ballroom and its ornate curved ceiling and plasterwork will be fully restored and incorporated into the development. The existing modern shopfronts at ground floor level (which are of poor quality) will be removed and replaced with a new high quality contemporary façade with use of natural stone materials and glazing. The existing rendered facade will be refurbished and the timber sash windows retained and restored. Existing uPVC windows will be removed and replaced. The quoin detailing at the corner of Cook Street and St. Patrick Street will be retained.
- 7.4.7 The development will result in the demolition of the Cook Street buildings. I note however, from the conservation report that these buildings have been radically altered over the years and have lost most of their original character and integrity. Their removal is supported by the Cork City Conservation Officer and I have no objection to their demolition. The development will ensure a new modern

contemporary elevation to this façade and the inclusion of a double height entrance and large ground floor windows will create additional and much needed animation. The second set of quoin detailing on the Cook Street elevation that indicates the depth of the first floor ballroom will not be retained. It is detailed that the plot boundary will be marked by a control joint in the external render and a change in render texture to communicate the junction between the old and new structures. This is considered acceptable.

7.4.8 I note the concerns of the appellant regarding the extent of intervention in the existing buildings. However, I am satisfied that the conservation approach adopted is robust and that the integrity of the most important parts of the development will be retained and restored in accordance with best practice. In this context, the extent of intervention is justified and will ensure the development of a high quality development on this strategic site.

7.4.9 The additional floor objected to by the appellant poses a dramatic and modern intervention to the building and streetscape. It is unashamedly contemporary in its design and the use of high quality light grey stone laid in courses clearly distinguishes it from the original structure. The use of pastiche has been avoided which is welcomed. The rhythm of the windows on this additional level complements and echoes the existing fenestration pattern on the front façade.

7.4.10 The additional floor will increase the height of this building. It is noted however, that there is no uniform building height along St. Patrick Street (note context elevation – Architectural Design Statement pg. 1) and the location of the site on the corner with Cook Street provides the opportunity to create a building of prominence. The composition of the additional floor is a modern interpretation of the treatment between the cornice element and the rooftop level that is a characteristic of the street. The increase in height does not in my view make the building appear incongruous and the additional floor will help reinstate the Victoria Hotel site as a key landmark development on the primary retail street in the city. This coupled with the high quality design of development will make an overall positive contribution to the street. The additional floor will also allow for the removal of the existing unsightly water tank and dormer windows (which are not original) and provides for a more coherent roofscape at this pivotal site.

7.4.11 I note the request by An Taisce to set back the top floor. I do not consider this appropriate as in my view, it would undermine the architectural integrity of the proposal and lead to a less cohesive design response to the site.

7.4.12 In conclusion, I am satisfied that the extent of interventions proposed are appropriate and are sympathetic to the character of the buildings whilst ensuring that a modern and sustainable end use can be facilitated. The development will retain and restore the most important elements of the existing buildings. The additional floor structure will not overwhelm the existing building but will create an interesting and dramatic contemporary addition to this building on a pivotal corner site on the prime retail street of the city. I am satisfied that the development will not have a negative impact on the architectural heritage of the site or the streetscape of St. Patrick Street.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, comprising alterations to an existing building and construction of an infill commercial development within an established urban area on zoned and serviced land, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the location of the site within the prime retail core, the policies and objectives of the Cork City Development Plan 2015-2021, the nature and scale of the development and the conservation approach adopted regarding the future development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the character of the area or the amenities of property in the vicinity and would not have unacceptable impacts in terms of

architectural heritage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 use of the unit shall be restricted to the sale of comparison goods, as defined in Annex 1 Glossary of Terms attached to the Retail Planning Guidelines for Planning Authorities (2012).

Reason: In order to protect the prime retail frontage on St. Patrick Street and in the interest of proper planning and sustainable development.

3. Both entrances to the retail unit from Cook Street and St. Patrick Street shall be available for public use at all times during opening hours.

Reason: In order to maintain live entrances along both streets in the interests of urban design considerations and to maintain footfall from both streets.

4. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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. 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) 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” (Department of Arts,

Heritage and the Gaeltacht, 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.

7. (a) Details of all signage including signage on the proposed shopfront, including method of illumination, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) No roller shutters shall be erected on the exterior of the development.
- (c) No advertisements shall be placed on the proposed awnings and no adhesive material should be affixed to the windows or doors.
- (d) The existing street sign and commemorative plaque shall be incorporated into the completed development.

Reason: To protect the visual amenities of the area.

8. Apart from the shopfront signage agreed under condition 7 (a) of this permission, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further 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 building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

9. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures, off-site disposal of construction/demolition waste and construction traffic management.

Reason: In the interests of public safety and amenity.

10. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

11. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/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/recyclable materials in the interest of protecting the environment.

12. 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.

13. Mitigation measures against the risk of flooding as outlined in the Flood Risk Assessment Report submitted with the application, shall be implemented. Any proposed changes to the ground floor levels or mitigation measures shall only be permitted with the express prior written consent of the Planning Authority.

Reason: In the interest of public health.

14. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

15. 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.

16. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Erika Casey

Senior Planning Inspector

13th August 2018