



An
Bord
Pleanála

Inspector's Report

ABP-306692-20

Development

Permission for alteration, conservation and change of use of former tourist office and adjacent office to a hostel with ground floor bar and ancillary site works. Development will involve the demolition of buildings to the rear of Numbers 40-42 Grand Parade and the construction of a new six storey extension and internal works to provide for a 48-bedroom hostel with 284 bed spaces. The development will also include shared toilets/showers facilities, laundry room, storerooms, rooftop terrace, bar reception, social area, kitchen, bicycle storage and services room.

Location

Tourist House, 40-42 Grand Parade, Cork City

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

19/38441

Applicant(s)

Bluescape Limited

Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First and Third-Party V. Grant
Appellant(s)(1)	Bluescape Limited-First party Brittany Ferries-Third Party Kevin Nagle- Third Party Peter Casey- Third Party Liam Boland- Third Party
Observer(s)	None
Date of Site Inspection	22nd July 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Grand Parade, north of the River Lee, approximately two hundred metres south-west of Patrick Street within Cork City Centre. The area is urban in nature with a mix of commercial uses. The site is bound to the east by a single storey furniture auction showroom premises and further east of that is a four-storey office building, to the west by the Grand Parade Boulevard, which is two lanes wide and incorporates wide pavements with dedicated bus and taxi set down areas, to the south by four/five storey office development fronting onto South Mall and to the north of the site is a six-storey multi-storey car park building.
- 1.2. The site has a stated area of 0.0617 hectares and comprises some four storey commercial properties fronting onto Grand Parade, including one vacant ground floor unit (formerly the tourist office), to the rear are two and three storey extensions to the buildings that front the street. There is a narrow approximately two-metre wide pedestrian laneway (Rochford Lane) immediately north of the appeal site, between the appeal site and neighbouring multi-storey car park.

2.0 Proposed Development

- 2.1. It is proposed to develop a forty-eight-bedroom hostel with ancillary facilities within the confines of some of the existing structures and a proposed six-storey extension to the rear of the street frontage.
- 2.2. The proposed extension block is located set back from Grand Parade. The extension block would have a maximum ridge height of 24.24 metres above street level at its highest point. External finishes would comprise of a sand and cement render with powder coated glazing aluminium glazed curtain for the service and lift areas. A flat roof is proposed for the top floor, except for a lift shaft area that provides for a glazed angled projection which protrudes above the flat roof profile.
- 2.3. At ground floor level is a bar/restaurant area. The ground floor also comprises a reception area, social area, kitchen area, toilet and shower areas, bin storage, twelve bicycle parking spaces, a lift shaft for accessing the upper floor accommodation and access to service areas. The first floor includes an open bar/terrace area, bedroom

accommodation and toilet and shower facilities. The upper floors provide for bedroom accommodation and toilet and shower facilities

- 2.4. A Planning Statement, an Architectural Statement, a Preliminary Architectural Heritage Assessment and a Flood Risk Assessment were submitted as part of the planning application.
- 2.5. Further information was submitted in relation to: A Revised Visual Impact Assessment assessing certain specific designated views; Contiguous elevations and three dimensional imagery of the proposed development and adjacent development; A sun-path analysis addressing the issue of extent of over-shadowing; Revised plans seeking a reduction in the height and plot ratio; Revised roof profile: Seeking the inclusion of fenestration detailing along Rochford Lane; Greater separation distances to be provided between the existing and proposed development: Removal/setting back of roof terrace balcony, safety measures to be incorporated within rooftop balcony/terrace; Clarification on the proposed social area and demonstrate that the proposed accommodation meets Fáilte Ireland Standards for hostels 2007; Details of adequate illumination having regard to the dimensions provided for the lightwell areas; Details of the proposed external area on the southern edge of the development site: Details of location of signage and materials to be employed in same; Clarity sought on nature of intended operator of hostel, whether the bar area would be open to the public and the opening hours of the proposed restaurant/bar; A Construction Traffic Management Plan to be provided; Details of bicycle parking proposals; Demonstrate that access points and footpath provision is in accordance with DMURS standards; To confirm the location of refuse collection points; A stage One Road Safety Audit to be carried out for the new access points; Confirm the maximum numbers of staff and guests upon completion of development; Clarify if there are plans to install new streetlighting to serve the development: Details of materials and finishes for re-surfacing of Rochford Lane.
- 2.6. The further information response included a revised Landscape and Visual Impact Assessment, Contiguous elevation and section plans, a Preliminary Construction Traffic and Management Plan and an Overshadowing study.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to twenty-three conditions. The following are considered to be the pertinent ones:

Condition Number 2: The top floor to be omitted in its entirety.

Condition Number 3: Large fenestration details within the bar area facing onto Rochford Lane shall be included within revised plans.

Condition Number 4: Revised drawings and details to be submitted illustrating architectural relief on the southern façade on upper floors.

Condition Number 5: On-site protective measures and method statements for the retained structures to be prepared by a Conservation architect and submitted to the Planning authority.

Condition Number 7: External signage and lighting to be agreed with the Planning Authority.

Condition Number 10: A Construction Traffic Management Plan to be submitted.

Condition Number 11 and 12; External and street lighting to be agreed with the Planning Authority.

Condition Number 16: All flood defence and flood mitigation measures identified in the flood report submitted shall be carried out by the developer.

Condition Number 19: Waste Management Plan to be submitted.

Condition Number 20: Noise control during and post construction

Condition Number 23: Development Contributions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The report prepared by the Executive Planner accepts the principle of the re-development of this site for commercial purposes, given its city centre location and underlying land use zoning objective, the fact that an underutilised site would be re-

developed, as well as existing vacant buildings would be brought back into use. She recommended a grant of planning permission subject to twenty-three conditions as synopsised in Section 3.1 of this report, above. The Acting Senior Planner endorsed the recommendation of the Executive Planner.

3.2.2. **Other Technical Reports**

Roads (Planning): No objection, subject to conditions.

Transport and Mobility Section: No objection, following the submission of the further information response regarding the submission of a Construction Traffic Management Plan.

Drainage Section: No objection, subject to conditions.

Environment Section: No objection subject to conditions.

Archaeology Section: No objection.

Conservation Report: No objection, subject to conditions regarding the removal of the sixth floor and the introduction of architectural relief within the proposed elevations.

City Architect: No objections, subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objections, subject to conditions.

An Taisce: Welcome the re-use of existing buildings, concerns expressed regarding height of extension and impact upon protected viewpoints and the location of the proposed elevated balcony.

3.4. **Third Party Submissions**

A number of third-party submissions were received by the Planning Authority. The concerns raised within the submissions are similar to those raised within the appeal submissions received by An Bord Pleanála.

4.0 Planning History

There is no recent relevant planning history pertaining to the application site.

5.0 Policy Context

5.1. Cork City Development Plan, 2015-2021

- 5.1.1. The site is located in an area zoned - 'City Centre Retail Area' with the associated land-use objective: '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. Objective 9.22 sets out the following in terms of conservation principles: 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.
- 5.1.3. Objective 9.27 of the Plan pertains to enabling development, where the following is set out: Enabling Development

Cork City Council will consider permitting the following, notwithstanding the zoning objectives of the area:

- The restoration of a Protected Structure, or other buildings of architectural or other merit, currently in poor condition, to conservation best practice standard for any purpose compatible with the character of the building,
- The conservation of a Protected Structure or other building of architectural merit or other merit, independent of its current condition, to a tourist related use, in cases where, in the City Councils opinion, the converted building is capable of functioning as an important additional tourist attraction or facility, and the use is compatible with the character of the building.

Grand Parade is identified as being within the Key secondary retail frontage within the Plan. Section 13.16 of the Plan sets out the following in relation to the role of secondary retail frontage areas: The City Council aims to support and strengthen the higher order retail function of the City Centre and the concentration of shops within

the City Centre Retail Area. While a mix of retail and other uses is appropriate for many City Centre streets, there is a need to maintain the strong retail character and identity of the prime retail streets. Primary Retail Frontages, which represent the city's primary shopping core, are identified in Volume 2, Map 2 City Centre Development Objectives Map. Additional streets which already contribute significantly to the retail offer of the City Centre are also identified on Map 2 as Secondary Retail Frontages and, by reason of their mix of uses, are seen to reinforce and complement the Primary Retail Frontages.

5.1.4. In relation to architectural heritage the following is set out:

Objective 9.28 is specifically in relation to the protection of structures identified within the National Inventory of Architectural Heritage (NIAH): 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.

The City Council will protect structures by making additions to the Record of Protected Structures, designating Architectural Conservation Areas, or other appropriate means. Structures (including those recommended by the Minister) will be prioritized for protection, where:

- Key stakeholders groups, building owners or members of the public ask that Cork City Council provide protection to specific buildings; or
- Area-wide assessment through architectural conservation area assessment or the development of forward planning frameworks lead to the need to protect key character areas and/ or buildings.

5.1.5. Section 9.32 sets out the following in relation to Conservation Principles:

Sympathetic maintenance, adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even when the original use may no longer be viable. Conservation can be recognised as a good environmental choice as the reuse of buildings rather than their demolition contributes to sustainability through retaining the embodied energy of buildings and reducing

demolition waste. In some cases, it is also more cost effective to renovate than demolish and rebuild. Conservation also supports employment and skills and provides for good quality jobs for artisans. Architectural Heritage Protection – Guidelines for Planning Authorities was published in 2004 by the Department of the Environment, Heritage and Local Government, and whilst primarily aimed at planning authorities, they are also of assistance to owners and occupiers of protected structures, proposed protected structures and other buildings within Architectural Conservation Areas.

5.1.6. There are a number of Protected views from the Grand Parade area, these are set out in Volumes two and three of the Development Plan as follows:

- SN 1: To protect and frame protected views of St. Nicholas Church from Grand Parade
- SA77: To protect and frame protected views of St. Anne's Church from Grand Parade
- SFC1: To protect and frame protected views of St. Finbarre's Church from Grand Parade

Section 10.25 sets out the following in terms of protecting these views. There will be a presumption against any development that threatens to obstruct strategic views or compromise the quality or setting of these views.

Objective 10.6 sets out the following in terms of protecting these designated views: To protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development, in particular those listed in the Development Plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views. To identify and protect views of local significance through the preparation of local area plans, site development briefs and the assessment of development proposals on a case-by-case basis.

5.1.7. Strategic Objective 13.1 of the Plan relates to development of the city centre and docklands area where the objective is: To sustain and enhance the vitality and

attractiveness of Cork City Centre as the healthy heart of the region and as a quality place to live, work and visit.

- 5.1.8. Objective 13.21 of the plan sets out the following in relation to design quality and context: (a) To ensure that new development is of the highest quality and respects, safeguards and enhances the special character of the City Centre (b) To create new and distinctive places which enhance the special character of the city (c)

Development proposals in the City Centre should demonstrate that they contribute towards a high quality, sustainable living or working environment. They should respect the height, mass and scale of surrounding buildings, should not compromise protected views and prospects and should draw upon positive characteristics of the surrounding environment to create a sense of place, security and vitality.

- 5.1.9. Section 13.55 of the Plan sets out the following in relation to development on Grand Parade: The group of sites on the western side of Grand Parade also has significant development potential and would benefit from the investment in the public realm in recent years as well as the proximity of the retail core and the English Market. Although planning permissions have been granted on some of the sites it would be desirable that the area be developed in the context of an overall masterplan rather than piecemeal and the City Council will work with other landowners to achieve this. Proposals for development should take into account the following policies and objectives for the area:

- To create a new vibrant face to the upgraded public realm of Grand Parade through the redevelopment of the existing City Centre Library and reuse and upgrade of important streetscape buildings thereby encouraging pedestrian flow from the main shopping artery of St. Patrick's Street to the upgraded Grand Parade;
- To facilitate redevelopment for a range of uses which could include cultural and civic uses, commercial leisure, retail, offices and residential uses, incorporating active ground floor uses;
- To protect the archaeological and architectural value of the site, and in particular the old city wall and the historic quay wall, through appropriate best practice methods;
- To strengthen east-west pedestrian links between Grand Parade and South Main Street via Old Post Office Lane, Kiff's Lane and the proposed waterfront amenity area;

- Any development proposal should respect the site's location as a former medieval gateway to the city in terms of design, form and scale;
- To ensure that provision is made for a south facing waterfront amenity area so that a continuous link will be created along the quayside;
- To protect and frame protected views of St. FinBarre's Cathedral from South Mall (SFC1) and St. Nicholas Church from South Main Street (SN2) as illustrated in the Views and Prospects Maps in Volume 2.

5.1.10. Plot ratios of between 1.5:1 and 2.5:1 are set out for city centre development within Table 16.1 of the Plan. A plot ratio of 3.2: 1 is proposed in this instance. Section 16.16 sets out further detail in relation to plot ratio as follows: . Plot ratio is secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards (such as scale, building height, enclosure ratio, space provision and quality, street widths, etc.) will be overriding considerations. A key assessment of proposals is their context and fitting in with the existing pattern of development. In some cases higher plot ratios may be permitted e.g.:

- Adjoining major public transport termini and nodes along rapid transit corridors where an appropriate mix of commercial and residential is proposed;
- To maintain townscape and building elevation profiles.

5.1.11. In Section 16.22 the following is set out in relation to skyline and roofscape:

The city skyline is formed by a combination of elements -the general scale of buildings, streets and spaces from area to area, major landmarks on the skyline, other individual higher buildings, higher building groups and landscape elements. The preservation of a hierarchy of buildings that break the skyline and ensures that the city is legible, with buildings indicating their place in the hierarchy and displaying their function. The City Council will seek to conserve and enhance Cork's skyline by identifying measures to enhance the skyline/roofscape and through the following design policy.

5.1.12. Section 16.25 of the Plan pertains to building heights. The current proposals would be categorised as a medium-rise building (less than 32 metres in height, 4-9 storey's approximately). Buildings which are taller than the general building height in any area will be considered taller even where they are less than ten storeys.

5.1.13. 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 building height of any new development within the city centre should generally respect the area's 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.

In Sections 16.29 and 16.30 of the Plan: Within the City Centre and Inner Urban Areas (developed until 1920) the general building heights are varied due to their naturally evolving character and varied building types and styles.

Section 16.30 sets out the following: In appropriate circumstances, new corner (local landmark) buildings may reflect their location by means of additional building height of 1-2 storeys, subject to other planning considerations. The building design and treatment of a building (including built form/ height) should reflect new civic and public benefit uses.

5.1.14. Objective 16.3 of the Plan relates to Urban Design. Where the objective is:

- To deliver high quality-built environment through good place making,
- To ensure that development is designed to high qualitative standards and is cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.

5.1.15. Objective 16.4 Skyline and roofscapes

The City Council will seek new buildings to be designed to:

- enhance the roofscape in terms of their bulk, massing, materials and aesthetics;
- where appropriate, divide building mass into smaller elements which respect the existing cityscape and the setting and views and prospects of landmark buildings and the other special amenity views;

- where appropriate locate plant housing for buildings in basements to avoid impact on views of cityscape.

5.1.16. Section 16.6 states: The City Council will generally require Visual Impact assessments (VIA's) to be completed to illustrate the visual impact of proposals likely to have an impact on protected views and other views of special amenity value identified by the Planning Authority of a strategic or local significance.

5.1.17. Section 16.80 of the Plan specifically addresses the matter of hostel developments as follows: In determining planning applications for both new and for change of use to bed and breakfast, guesthouse, hotel or hostel in residential areas, the Planning Authority will have regard to the following:

- Size and nature of facility,
- The effect on the amenity of neighbouring residents,
- The standard of accommodation for the intended occupiers of the premises,
- The availability of adequate, safe and convenient arrangements for car parking and servicing,
- The type of advertising proposed,
- The effect on listed buildings and/or conservation areas,
- The number of existing facilities in the area.

5.1.18. In relation to public houses, nightclubs and dance halls, the following is set out within Section 16.96 of the Plan: Public houses and night clubs etc. play an important role in the city providing a night-time use which adds to the attractiveness of the city. The City Council's approach to such developments in the City Centre and Docklands is outlined in Chapter 13 (Objective 13.8 Leisure and Entertainment Uses). Cork City Council shall ensure all applications for new or extensions of existing uses such as public houses, other licensed premises, nightclubs, disco-bars and dance floors protect residential and visual amenity. They will not be permitted in residential areas. An over-predominance of these uses in any particular area, whether through redevelopment, refurbishment or extension will not be permitted. In applications for such developments the onus will be on the applicant to demonstrate that the proposed new entertainment use, an extension to an existing entertainment use or variation in opening hours would not cause harm to residential or adjoining amenity, environmental quality or the established character and function of the area.

5.1.19. In terms of car parking the site is located within Parking Zone 1 (as set out within Map 11, Volume two of the Development Plan, The following is set out within Section 16.108 of Volume 1 in relation to car parking: Parking Zone 1 is generally inner Cork City, which includes the City Centre. Zone 1 is currently accessible by public transport and is a walkable environment. It is policy to constrain parking within the City Centre below the maximum level of provision indicated in the table in order to reinforce the pedestrian priority area and to cause a material shift to non-car transportation. Provision of additional commuter parking within this area will not generally be permitted. In exceptional cases a small amount of parking may be allowed on site (subject to mobility management plans) as an incentive to promote renewal/redevelopment of large strategic sites. This will only be feasible where the location and configuration of sites is such as to allow parking without causing undue local congestion or negative impact on pedestrian movements.

Table 16.8 sets out standards for hotels and guesthouses at a standard of 1 space per 2 bedrooms. These are stated as being maxima standards in order to constrain car trip generation and promote patronage of green modes of transport.

Table 16.9 sets out bicycle standards for developments, which is stated to be at 1 space per five hostel bedrooms.

5.2. ***National Planning Framework***

The relevant policies of the National Planning Framework which relate to creating high quality urban places in appropriate locations are set out below.

- Policy Objective 4: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Among the National Strategic Outcomes for Cork City are the realisation of compact growth and a strong economy.
- Section 4.5 Achieving Urban Infill/Brownfield Development.

5.3. **National Guidance**

- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG, 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG, 2013).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG, 2009).
- Architectural Heritage Protection Guidelines for Planning Authorities (DoEHLG, 2004).

5.4. **Natural Heritage Designations**

The site is located approximately five kilometres west of Cork Harbour SPA (004030).

5.5. **Environmental Impact Assessment- Preliminary Examination**

Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination has been completed and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of the various third-party appeals may be summarised as follows:

Brittany Ferries, 42 Grand Parade, Cork, c/o Brian O’Kennedy Consultant Engineers and Architects

- The appellants have a ninety-nine-year lease for a portion of the ground floor of this property and thirty-eight years into the lease they are not seeking to relocate.

- Bluescape Limited are not the owners of the property as defined within the Planning and Development Act 2000 (as amended) and have not provided evidence that they are entitled to develop this element of the property.
- The area currently occupied by Brittany Ferries is outlined as part of the front of house element of the proposed hostel which would provide for a social area, bag store, reception and staff area.
- It is difficult to envisage how these elements of the proposed ground floor could operate if this floorspace is not available to the applicant.
- The applicants have failed to take account of Brittany Ferries desire and legal entitlement to remain at this location or how the proposed development could be operated in the manner proposed without this area being available to them.

Kevin Nagle, 48, South Mall, Cork

- The development is out of proportion with any other structure in the same block and far too large for the site in question. If permitted, it would protrude and tower over surrounding properties and represent an incongruous feature in this context.
- The development would overshadow and overlook his property.
- All external finishes of the proposed development should provide a reflective finish in order to reflect maximum light into surrounding properties.
- His property has many windows facing north and west which provide good quality light into his office space and these windows are not presently overlooked. The proposed development would result in a diminution of light and loss of privacy into his property.
- Number 48, South Mall, has not been included within Drawing number 421, submitted to the Planning Authority as further information on the on the 20th day of December 2019.
- The proposals are out of place and far too large for this site and would cause significant damage to the skyline in the area when viewed from the west and south.

- The appellant refutes the developers claim that the neighbouring multi-storey car park building would in some way soften or camouflage the proposed development.
- If a development is to be permitted, it should not exceed the existing building height of four and a half floors as exists at the western end of South Mall. The development should taper downwards from that height to a lower level of three storeys at the eastern end of the site, as was the case historically, as illustrated in the Goads maps, submitted by the appellant.
- The proposed visual impact upon the local streetscape, particularly from the west and south could not be described as being neutral.
- There are only very limited views of the Q-park multi-storey car park building from within the local streetscape.
- The sun path analysis submitted by the applicants is factually incorrect concluding that sunlight loss into neighbouring buildings would be negligible. All windows overlooking neighbouring properties should be fitted with opaque glazing.
- The single storey auction room to the rear (north) of his office building would not be capable of being used as an auction room without artificial light if the proposed development is to be permitted. The impact upon the four-storey building at number 48 South Mall in terms of its north and west facing light would be even more significant.
- The applicants did not engage with the appellant (an adjoining landowner) prior to submitting a planning application.

Liam Boland, Douglas, Cork

- The decision issued fails to adequately address his concerns.
- He notes that condition number two requires the submission of revised plans to provide for a five-storey development. This amounts to an entirely fresh application.

- The general building heights in the area vary from one to seven storeys with the most common type being flat fronted buildings of four storeys with a recessed fifth storey.
- The revised plans (as required to comply within condition number two) may seek to relocate the terrace and social areas whereby the appellant would not be entitled to make further submissions, given that these are to be submitted to, and agreed with, the Planning Authority, in compliance with that condition.

Peter Casey, Casey's Furniture, 65 Oliver Plunkett Street, Cork,

- The inclusion of a bar within the development would result in a proliferation of bars in this area of the city.
- The proposed bar/restaurant area would be detrimental to this area and to his furniture business.
- Condition number three which provides for a large fenestration area facing onto Grand Parade and Rochford Lane will in fact exacerbate this detrimental situation.
- Section 16.96 of the Development Plan does not permit an over-predominance of public houses within key secondary retail frontages.

6.1.2. The first party appeal is in relation to conditions numbers two and four as set out by the Planning Authority within their decision to grant planning permission.

Condition number two is as follows: The top floor (floor 6, level 05 as indicated on the floor plans) shall be omitted entirely. Prior to the commencement of development, the applicant shall submit revised plans for a 5-storey development only.

Reason: In the interest of visual aesthetics and integration with existing environment

Condition number four: The design and detailing of floor 04 shall be revised (e.g. change in profile between floor 03 and 04, set back/change in materials etc) to lessen its unrelieved visual impact on the aspect from the rear of the buildings on Grand Parade and on the western end of South Mall. The applicant shall submit revised

drawings and details showing the revised relief on this façade, for written agreement with the Planning Authority, prior to the commencement of development.

Reason: In the interest of visual amenity.

The issues raised within the first party appeal may be synthesised as follows:

- In relation to condition number two, the height of the development has been justified sufficiently in the context of National Policy and Guidelines, local policy and through supporting documentation in the form of the Landscape and Visual Impact Assessment (LVIA) submitted and the design enhancements that have been made as a result of the further information request..
- The concerns of the Planning Authority in terms of the impact upon the rear of the commercial properties on the western end of South Mall are addressed through the elevational design changes made by their architects as part of the appeal submission to the Board.
- In relation to condition number four, they are seeking that this condition be omitted and replaced with a revised condition seeking that the development be carried out in accordance with the revised plans and particulars submitted by the applicants to the Board as part of their appeal submission.
- Elevational changes have been made by the applicants, particularly to the southern elevation. The break-up of the massing of the proposed extension has been achieved by introducing three horizontal bands, one at ground floor level and incorporating street engagement, a middle band of private occupied accommodation and a top band of slated roofscape. Coloured render in graduating tones would be employed to break up the massing. The top band of slate references the adjacent roofscapes, to reduce the visual impact of the proposal.
- The use of fixed panel fenestration on the southern elevation addresses some of the concerns raised within condition number four in terms of providing relief within that façade. The fixed panel opaque glazing addresses the potential issue of overlooking of the rear of buildings on the western end of the South Mall.

- In terms of addressing the visual impact, two storeys have been removed from the link between the existing buildings facing onto Grand Parade and the proposed rear extension. This improves the relationship between the existing and the proposed built form and reduces the visual impact from the western and southern aspects.
- In terms of the proposed height of the extension, the applicants submitted a number of accompanying documents in the form of a LVIA and contextual elevation plans to assist the Planning Authority and the Board with their assessments. The LVIA concluded that in both the short term and the medium to long term that there will be no change to four of the viewpoints assessed, low-neutral impact to two viewpoints, medium-neutral impact to three viewpoints and high- neutral impact to the viewpoint from the opposite (western) side of Grand Parade. The proposed six storey extension will be visible from the opposite side of Grand Parade, but would not be intrusive within the streetscape. In nearby oblique views, the proposed extension would have limited impact or not be visible at all due to its setback. The four protected views as per the Development Plan would remain unaffected by the proposed development. Overall, the development delivers balance between the conservation of existing structures facing onto Grand Parade and the introduction of a taller building set back from the existing building line to integrate into the urban landscape without incurring adverse impacts.
- The height proposed is comparable to the adjoining Grand Parade multi-storey car park and the Capitol Developments scheme constructed immediately north of the English Market, approximately 140 metres north of the appeal site on Grand Parade, permitted by Cork City Council in 2016.
- A reduction in height should only be considered if overshadowing arises or if the LVIA concluded that significant adverse impacts would arise from the proposals in terms of the local streetscape.
- The biggest impact in terms of shadow would be on the multi-storey car park to the north of the appeal site.

- The proposed height of the extension at six storeys is not excessive and has been justified through the supporting material submitted in the form of visual aids.
- The existing views from the rear of the properties along South Mall are dominated by the Grand Parade multi-storey car park which extends along the entirety of Rochford Lane. It would, therefore, seem unlikely that the proposals would represent a diminishment in visual amenities from these properties.
- The proposed design changes (submitted as part of the applicant's appeal submission) introduced within the southern elevation assist in providing architectural relief and visual interest in that elevation while continuing to protect the privacy and amenity of the adjacent properties.
- Seeking that the Board restricts its considerations of this appeal to conditions two and four in accordance with Section 139 of the Planning and Development Act 2000 (as amended).

6.2. Planning Authority Response

The Planning Authority did not make any additional comments on this planning appeal.

6.3. Further Submissions

Comments were invited by the Board from the appellants and the applicants in relation to the content of the first- and third-party appeal statements. The following comments were received

Liam Boland:

- The points presented by the applicants within their appeal submission justifying the proposed six storey building are not accepted where it is stated: It is unlikely that the proposals would represent any diminishment in visual amenities from the perspective of the rear of the properties at the western end of South Mall, is a completely non-sensical proposition. The proposed development would have a very negative visual impact on all of the rear

elevations of buildings along the western end of South Mall and condition number two of the Planning Authority decision is completely justified and reasonable.

Kevin Nagle c/o John McCarthy Chartered Engineers

- Requests that the planning permission for the proposed development be refused.
- That due regard be had to the reports prepared by the Executive Planner, the Acting Senior Planner and the Conservation Officer in relation to appropriate height for the proposals, providing active frontage onto Rochford Lane and to provide greater architectural relief within the development proposals.
- The conclusions of the LVIA that the potential impact upon the local streetscape would be neutral has neither been explained or analysed. The LVIA is incomplete as the views from the rear of existing properties along South Mall were not assessed.
- The tenets and arguments set out within the applicant's appeal submission are unsustainable and request the Board to decide that the applicant's submission has no merit.

Brittany Ferries

- There is no merit in the applicant's appeal submissions.
- That the decision of the Planning Authority should be overturned by the Board for reasons outlined by Brittany Ferries in their original appeal submission and the reasons contained within the other appellants submissions to the Board.

Bluescape Limited c/o Harry Walsh, HW Planning

- The applicants have submitted folio numbers outlining their legal interest in the appeal site. A letter from the applicant's solicitor states that they are the registered freehold owners of all of the property at numbers 40-42 Grand Parade. The folio numbers and accompanying documentation demonstrating this interest have been submitted, which they state entitles them to apply for planning permission on these lands.
- The bar use proposed would be consistent with the objectives set out for the Grand Parade area and particularly the Z01 zoning objective that pertains to

the site. It is standard practice for hotels and other types of accommodation to include bar/restaurant facilities for guests. These form an essential part of the offering of such businesses and contribute to their viability. The bar would be open to guests and the general public.

- The applicants are happy to include fenestration detailing within the bar area facing onto Rochford Lane, as conditioned by the Planning Authority, if the Board are satisfied that such a condition is necessary. The proposed top floor terrace area was removed by the applicants as part of their further information response.
- A Construction and Traffic Management Plan was submitted as part of the response to the further information request and includes mitigation measures to be incorporated during the demolition and construction phases including noise monitoring, water misting.
- In terms of loss of light to the rear of properties along South Mall, the low-level returns on many of these properties are already overshadowed and out of scale with existing development on all sides. The proposed development would be located to the north and east of the rear of properties along South Mall and therefore any overshadowing that would occur would be in late afternoon and evening times, outside of standard office opening hours.
- These properties along South Mall are in use for commercial or office uses, which are not particularly vulnerable uses types in terms of loss of amenity.
- The low-level rear returns on some of the South Mall properties would not be considered to represent sustainable forms of development if being proposed in more recent times.
- The rear returns of the properties along South Mall are already overshadowed and out of scale and the proposed development will have minimal additional impact.
- The scale of the proposals is consistent with the latest National Policy and Guidance which seeks to increase the density and height of development in city and town centres in a sustainable manner. The development of compact urban forms on under-utilised backland sites, as proposed in this instance, represents a sustainable pattern of development that maximises valuable city centre land. In contrast, the preference of the appellants for low rise

development represents an unsustainable, unviable and inefficient use of urban land.

- The development would be constructed within a dense, urban city centre location. In such circumstances and a degree of change and impact from new development is unavoidable and inevitable.
- The applicants do not consider that a development which is of an appropriate scale within a city centre location, should have limitations placed on it in terms of height for the purposes of protecting natural light to backland properties in use as commercial offices, which would be inconsistent with National Policy.
- The assertions of the appellants that property owners in a densely developed and constrained city centre location should be afforded a level of protection in terms of visual impact and overlooking, as would be applied in suburban residential areas, is an unreasonable proposition and would effectively sterilise city and town centres, and prevent new forms of compact and sustainable development.
- The historical mapping and development of the city is largely irrelevant to the current development proposals.
- City Centres will inevitably evolve over time and a careful balance between conservation of built heritage and introduction of new development at an appropriate scale must be achieved.
- Brownfield development sites in Cork city centre are a rare commodity and should be developed to the highest efficiency in accordance with National Policy.
- National policy encourages densification and compactness in city centre in order to provide for more liveable cities with effective public transport modes.
- The proposed development achieves a balance between protecting built heritage and providing for more effective utilisation of a backland site.
- The applicants have attempted to address the appellants concerns through a re-design of their southern elevation proposals, whereby opaque glazing has been introduced to address any potential for overlooking of the rear windows of the South Mall properties.
- The gating of Rochford Lane would be a matter for the City Council as this lane is not under the control of the applicants.

- The current proposals have had regard to the provisions of the Building Heights Guideline and specifically SPPR 1- where increased building height and density is supported in areas with good public transport accessibility, and particularly within city cores where building height will be actively pursued for redevelopment, regeneration and infill development to secure the objectives of the NPF and RSES's. The proposed development would be, at its highest point, 0.2 metres higher than the highest point of the adjoining multi-storey car park. A further precedent has also been permitted by the City Council (planning authority reference number 16/36340), 140 metres north of the appeal site, which has a maximum ridge height of 26.8 metres, in excess of what is proposed on the current appeal site,
- Given the location of the development to the north of the South Mall properties, its impact in terms of shadow will, therefore, be largely limited to the Grand Parade car park. This conclusion has been corroborated within the Planning Report where the Planning Officer acknowledges: The development will have a negligible adverse impact with regard to overshadowing on the adjacent properties.
- To the east of the appeal site is a four storey office building, in addition to the aforementioned six storey multi-storey car park, and given that none of the rear returns of the South Mall properties are of particular architectural, social or cultural merit, and no residential use is established in this area, and the single storey structure to the rear (east of the appeal site) is used as an auction room, a use that is intermittent in nature, the proposed development is considered to be of an appropriate scale and height.
- The applicants have submitted revised proposals in terms of providing greater architectural relief within the elevations provide for a ground level of street engagement, a middle band of more private occupied accommodation and a slate roofscape on the upper parts of the elevations, which provides a horizontal break-up of the massing of the building. A plinth feature also separates the ground floor from the upper floors. Coloured render in graduating tones is proposed to assist in the further break-up of the massing of the development. Fixed panel opaque fenestration detailing has been introduced on the southern elevation, providing architectural relief but also

addressing the issue of potential overlooking as the fenestration would be fixed, and therefore not openable.

- Two stories have been removed from the link between the existing structures fronting Grand Parade and the proposed rear extension on site, again to assist in reducing the visual impact and to provide for a more integrated proposal.

7.0 **Assessment**

7.1. The main issues in this appeal relate to design, height and visual impact and impact upon neighbouring commercial properties. Flooding and Appropriate Assessment requirements are also considered. Two of the planning conditions set out by the Planning Authority within its decision are being appealed by the applicants. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Neighbouring Amenity
- Conditions
- Flooding
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. It is proposed to refurbish and redevelop a number of existing properties fronting onto Grand Parade, which are included within the National Inventory of Architectural Heritage, to demolish existing rear extensions and to construct a new six-storey extension to the rear of the Grand Parade frontage to provide for a forty eight bedroom hostel and associated reception, storage, laundry, bar and restaurant facilities. The appeal site is located in the south city centre, is bound by buildings which range in height from one to five-storey on Grand Parade and South Mall, though with buildings as high as five and six storeys on neighbouring Streets. Grand Parade comprises a number of vacant buildings/sites, including number 41 (part of

the appeal site) some dilapidated buildings, and many operating commercial premises.

The site is zoned ZO 1- 'City Centre Retail uses. The Development Plan states that: retailing should be prioritised in this area but not to the exclusion of other land use types. Other uses such as residential, hotel, office and cultural and leisure facilities etc. which complement the retail function of the Cork City Retail Area and promote vibrancy in the City Centre are also permissible.

- 7.2.2. Having regard to the city centre zoning objective for the site and the commercial nature of the proposed development within this city centre location, the principle of the hostel development is considered acceptable.

7.3. ***Design and Layout***

- 7.3.1. The design of the rear extension is of a contemporary style building, with a flat roof profile with a glazed angled projection providing for the lift shaft, large opaque glazed curtain features within the lift shaft areas providing a vertical emphasis within those features on the southern elevation, consistent in scale with many of the neighbouring commercial properties. It has a maximum ridge height of 24.24 metres above street level. The external finish would comprise varying tones of sand and cement coloured render with elements of powder coated aluminium glazing
- 7.3.2. There are a number of policy objectives set out within the National Planning Framework including NPO 4, NPO 6 and NPO 11 which seek to provide for attractive liveable and well-designed high-quality urban environments, to regenerate and rejuvenate our cities and to generate more activity within cities. The current proposals could be said to assist in achieving these particular objectives. Among the specific National Strategic Outcomes for Cork is the realisation of compact growth and a strong economy which again the current proposal could be said to support. Section 4.5 of the NPF encourages the achievement of Urban infill/Brownfield Development which this backland street in the city centre core would assist in achieving. Therefore, I am satisfied that the current proposal in principle would accord with high level national policy objectives.

- 7.3.3. Section 1.21 of The Guidelines on Urban Development and Building Heights (UDBH) 2018, outlines the following: Increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development.
- 7.3.4. Section 3.2 of The Guidelines requires that an applicant should demonstrate to the satisfaction of the Planning Authority/An Bord Pleanala, that the proposed development satisfies the following criteria:

At the scale of the relevant city/town:

- The site is well served by public transport with high capacity, frequent service and good links to other modes of transport.
 - Development proposals incorporating increased building height, including proposal within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.
- 7.3.5. Section 16.25 of the Development Plan pertains to building heights where the building height of any new development within the city centre should generally respect the areas existing character and context and should be in accordance with the prevailing hierarchy/character of buildings. The appeal site is located within the city centre; Therefore, I am of the opinion that a high-density development is acceptable at this location. However, higher density should not be considered in isolation, it must be delivered in tandem with high quality urban design and layout. Plot ratio is another tool to manage the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. The Development Plan sets an indicative plot ratio of 1.5-2.5:1 for the city centre and docklands areas. The proposed development has a plot ratio of 3.2:1 and, therefore above the upper end of the indicative range. However, this single quantitative tool must be considered in

the context of other qualitative and quantitative criteria. The development has a site coverage of 100%. The Development Plan does not set out standards for site coverage, however, in my opinion having regard to the location of the appeal site within a city centre context, I am satisfied that this level of site coverage is sustainable and acceptable in this instance

7.3.6. In conclusion, having regard to the location of the site in Cork City Centre and to national and local policy objectives, I have no objection in principle to the provision of a high-density development on the site. Increased height and density are matters that are encouraged within National and Local policy and also acknowledged as being acceptable by the Planning Authority within reports of the Planning Officers and the City Architect.

7.3.7. I note the reports received from the County Conservation Officer and City Architect. I consider that the particular design aspects that they raised are design matters that can be addressed by means of appropriate planning conditions.

7.4. ***Neighbouring Amenities***

7.4.1. Concerns have also been raised that the height of the development is out of character with the area and would have an adverse impact on the rear of commercial buildings on the western side of South Mall (to the south of the appeal site) in terms of diminution of light, overshadowing and overlooking.. Section 1.10 of The UDBH Guidelines outline the following in this regard: In such areas (within the canal ring in Dublin (and analogous areas in Cork), it would be appropriate to support the consideration of building heights of at least six-storeys at street level as the default objective. It is Government policy that building heights be generally increased in appropriate urban locations. There is, therefore, a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. The proposed rear extension would be six storeys in height. I am satisfied that that proposed rear extension, given its backland location, its set back from the street facade buildings and with the introduction of the architectural relief in the form of horizontal banding and introducing varying colour tones within the render, as proposed by the applicants within their submission to the Board, will provide for a high quality contemporary extension onto the rear of front façade buildings which will be

conserved, respected and integrated as part of the overall hostel development. The city centre location and zoning objective, in addition to National and local policy objectives all on balance make the provision of the proposed six storey extension, appropriate and sustainable, will introduce an appropriate use within the city centre core, that will complement the existing neighbouring uses.

- 7.4.2. An appeal was received by the Board from a number of neighbouring property owners to the south of the appeal site regarding the potential for overshadowing and blocking of light into their property. These commercial properties, which front onto South Mall to the south of the appeal site are four and a half storeys tall. In my view, having regard to the sun path, and given that these properties are used for commercial office space purposes, and given their city centre location, where increased densities and heights are encouraged, that the extent of overshadowing of these appellants properties would not be significant by virtue of their orientation in relation to the appeal site. It is also considered that there would be sufficient separation distance (eight metres to the nearest point of a neighbouring commercial property) to ensure that undue overlooking would not occur.
- 7.4.3. It is noted that Rochford Lane provides connectivity and linkages to other adjacent streets (Grand Parade to Grafton Street), it is considered that the current design could encourage anti-social behaviour and therefore should be conditioned to provide greater active frontage onto the adjacent laneway to north. These revised design proposals, as part of the overall hostel development, would likely increase footfall in this area which would likely benefit local businesses.
- 7.4.4. In conclusion, having regard the location of the site within an urban area, it is considered that a quality contemporary design (subject to inclusion of the design modifications as submitted to the Board) for consideration as part of the applicants appeal submission), the proposed development would enhance the vibrancy and character and mix of use of this part of the city centre, and on balance have a positive impact on the area.

7.5. **Conditions**

- 7.5.1. The applicants are appealing two of the planning conditions set out by Cork City Council within their decision to grant planning permission for the proposed hostel development as follows.

Condition number two: The top floor (i.e. floor 6, Level 05 as indicated on the floor plan) shall be omitted entirely. Prior to the commencement of development, the applicant shall submit revised plans for a five-storey development only.

Reason: In the interest of visual aesthetics and integration with existing environment.

The applicants contend that by virtue of the backland and brownfield nature of the site within the city centre core area, that a six storey extension represents an appropriate and sustainable building height, given that the City Development Plan policy provides for developments of at least 3-5 storeys. Given that a six storey structure is in existence (in the form of the Grand Parade multi-storey car park) immediately north of the appeal site, and that a building of approximately 27 metres in height has been developed 140 metres north of the appeal site, having been permitted by the City Council to Capitol Developments in 2016. The height of the proposed extension is considered to be appropriate especially having regard to the provisions of the UDBH Guidelines. The applicants have submitted a visual aid in the form of the LVIA which demonstrates that the proposals would not adversely impact upon the local streetscape, particularly from the various designated and protected views set out within the Development Plan.

The Planning Authority, as advised by the Conservation Officer conditioned that the top storey be removed in order to reduce the impact of the proposed development from O Sullivan's Quay, Nano Nagle bridge and from the opposite side of Grand Parade. The proposals would be visible from a number of other city locations including from South Mall, Tuckey Street/Grand Parade junction and from north of the city at Summerhill, though, the latter is a long view and in the context of many tall city centre buildings would not be unduly prominent. On balance, having regard to the provisions of National and local policy, where increased building heights in city centres are encouraged, having regard to the building heights of neighbouring developments and subject to the inclusion of the architectural interventions (horizontal banding and fenestration details and varying shades of rendering and the

setting back of the proposed extension from the existing structure on site) that the proposals would not adversely impact upon the local built environment, by virtue of their backland location. Therefore, I am satisfied that a six-storey extension development onto the rear of existing structures which will be brought back into use and conserved would be appropriate in this instance. In conclusion, I am satisfied that condition Number 2, requiring the omission of the top floor (Floor 06, Level 5) in its entirety would not be warranted.

Condition number four: The design and detailing of floor 04 shall be revised (e.g. change in profile between floor 03 and 04, set back/change of materials etc.) to lessen its unrelieved visual impact on the aspect from the rear of the buildings on Grand Parade and on the western end of South Mall. The applicants shall submit revised drawings and details showing the revised relief on this façade, for written agreement with the Planning Authority, prior to the commencement of development.

Reason: In the interest of visual amenity

As part of their appeal submission to the Board, the applicants have revised the facades of the extension as conditioned by the Planning Authority and have introduced architectural relief in the form of horizontal banding at three different levels within the proposed extension as well as subtle change in the shades within the rendering to be used, the introduction of fixed panel opaque glazing features on the south elevation (facing to the rear of the South Mall buildings). These architectural interventions will assist in addressing the concerns of the Planning Authority expressed within condition number four and will also assist in addressing some of the concerns of the property owners on South Mall, in that overlooking will not be possible, as the fenestration would be opaque and the introduction of banding, glazing and slate would assist in breaking down the mass and bulk of the proposed six storey extension.

I am of the opinion that the condition as set out by the Planning Authority was reasonable, given the location of the building and that high density can and should be achieved, but not at the expense of quality of architectural design. I am satisfied that the applicants have addressed this architectural deficit within their revised proposals submitted to the Board and, therefore, condition number four is no longer necessary in this instance and the Planning Authority should be directed to remove

this condition. In conclusion, I am satisfied that condition Number 4, requiring the introduction of architectural relief in terms of setback/change of materials would not be warranted, having regard to the revised proposals as submitted by the applicants to the Board on the twenty eight day of February 2020.

7.6. ***Flooding***

- 7.6.1. A site-specific flood risk assessment was submitted as part of the planning application. The site is located approximately fifty metres north of the River Lee south channel and approximately five hundred metres from the River Lee north channel. There is an extensive history of flood events within Cork City centre as per the data included within Floodmaps.ie. The site is located within Flood Zone A as identified in the River Lee CFRAMS flood study. However, as the proposal involves the re-use of existing buildings and the construction of an extension onto same, the development was the subject of a justification test. The test concluded that given the proposals would involve the re-use of existing buildings and an extension to same, and that any vulnerable uses, (bedroom accommodation) would be on upper floor levels and above the predicted one in one hundred year water level set out within the Lower Lee Flood relief study (presently being prepared by Cork County and City Councils in conjunction with ARUP Consultant Engineers). The proposals would not increase the risk of flooding on site or on adjacent sites. The development proposals would, therefore, be acceptable in this instance
- 7.6.2. It is also stated that there is no record of the appeal site having been flooded in the past. It is further set out that the proposals would not exacerbate the risk of flooding in the locality subject to the inclusion of a number of mitigation measures as part of the construction of the site. These are measures that can be included as part of the planning conditions.
- 7.6.3. The finished floor level (FFL) of the existing building ranges from 2.38 metres OD to 2.46 metres OD. Any living accommodation would be above ground floor level, at 3.1 metres OD level which is above the predicted 1;100 year predicted flood water levels for tidal and fluvial flooding which is currently predicted at 2.85 metres OD for a fluvial event and 3.03 metres for a tidal event. The uses at ground floor are considered less vulnerable as they include a reception area, bar/restaurant area,

social area, bin and bicycle stores and service areas. It is recommended that the developer install proprietary flood barriers or non-return valves on all ground floor open pipes and service openings as a precaution against future flood events. Flood warning measures in the form of a Flood Emergency Plan for the site and to avail of the flood warning system operated by Cork City Council are also during the occurrence of a flood event.

7.6.4. On completion of the construction of the flood measures identified within the Lower Lee Flood relief scheme, it is stated that the risk to the building will drop significantly and would be replaced by a residual risk of flood defence failure and/or overtopping of flood barriers. The purpose of this scheme is to develop a viable, cost effective and sustainable flood relief scheme to alleviate flooding in the City.

7.6.5. In conclusion, having regard to the design and layout of the development proposals, it is considered that the proposed development would not increase the potential of flood risk on the appeal site or sites within its vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.7. *Appropriate Assessment*

Having regard to the nature and scale of the proposed development and the distance from 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

I recommend that permission be granted subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of National Planning Framework, the Urban Development and Building Heights Guidelines, the policies and objectives of the Cork City Development Plan 2015 – 2021, it is considered that, subject to conditions, the proposal would fulfil the City Centre retail zoning objective for the site and it would be of an appropriate density and height (subject to the inclusion of the revised

architectural interventions proposed by the applicants as part of their appeal submission to the Board) to this site within its context.

- 9.2. The proposal would be designed and laid out in a manner consistent with safeguarding the amenity of neighbouring commercial properties and it would be compatible with the visual amenities of the area. The standard of amenity that would be afforded to visitors to the city would be satisfactory and the level of cycle parking space provision would comply with the Development Plan Standards. Access and egress arrangements and water supply and drainage arrangements would be satisfactory, and no Appropriate Assessment issues would arise. The proposal would thus accord 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 to the Planning authority on the 7th day of June 2019 and the 20th day of December 2019 as amended by the further plans and particulars submitted to the Board 20th day of February 2020 and the 4th day of March 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 Archaeological monitoring by a qualified archaeologist shall be in place for all ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority four weeks in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have work on site stopped, pending a decision as to how best to deal with the archaeology. The Department of Culture, Heritage and the Gaeltacht and the local authority archaeologist shall be informed. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigation action

and shall facilitate the archaeologist in recording any material found. On completion, a satisfactory archaeological report detailing the works shall be submitted to the Planning Authority and to the Department of Culture, Heritage and the Gaeltacht.

Reason: In the interest of natural heritage and the proper planning and sustainable development of the area.

- 3 The proposed development shall be amended as follows:
 - (a) Detailed floor and elevation plans illustrating the introduction of large clear glazing features within the ground floor bar area along the northern elevation, facing onto Rochford Lane
 - (b) Details of the materials, colours and textures of all the external finishes to the proposed development
 - (c) Opaque glazing shall be used within the fenestration detailing on the southern elevation of the proposed extension

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of natural heritage and the proper planning and sustainable development of the area.

- 4 No additional signs, symbols, nameplates or advertisements shall be erected on the proposed site without a prior approval of the planning authority whether or not such development would otherwise constitute exempted development. The use of internally illuminated lettering shall not be permitted.

Reason: In the interest of visual amenity.

- 5 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) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

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.

Reason: In the interest of protecting architectural heritage.

- 6 The construction of the development shall be managed in accordance with a Construction Traffic 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 traffic management, including timing and routing of construction traffic, measures to obviate queuing of construction traffic, details of materials and staff compounds, *details of hoardings and security fencing, intended construction practice for the development*, including noise, dust and vibration mitigation measures and off-site disposal of construction / demolition waste. 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 public safety and residential amenity.

7 All flood mitigation measures set out within the Flood Risk and Management Plan submitted to the Planning Authority on the 7th day of June 2019 shall be incorporated within the construction of the development. Prior to the commencement of development an Emergency Management Plan for flood events shall be submitted for the written agreement of the Planning Authority. The plan shall address the evacuation of vulnerable patrons as well as all other occupants of the hotel.

Reason: In the interest of public health.

8 Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9 The applicant shall enter into water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10 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 amenities of property in the vicinity.

11 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12 Details of all external lighting requirements associated with the proposed development which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

13 (a) The developer shall constitute a waste management company or structure for dealing with waste arising in the development. Prior to commencement of development the developer shall submit to the planning authority for written agreement, full details of a waste management structure proposed for the development. Details shall include proposals for waste reduction, reuse, recycling, storage, as well as who will manage the waste, present it for collection, and dispose of it.

(b) The developer shall provide and maintain within the confines of the site, facilities for the storage of recyclable materials e.g. paper, cardboard, glass, metal. The developer shall make arrangements for the proper collection and submission for recycling of these materials.

(c) All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the planning authority. In any case no such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements shall be made to the satisfaction of the planning authority for the storage of recyclable materials prior to collection. The developer shall ensure that the site and its environs are maintained at all times in a clean and tidy condition. The applicant shall maintain a register of waste material disposed from the site and records shall be made available for inspection by the Local Authority at all reasonable times.

(d) The developer shall provide within the curtilage of the site designated vented waste storage space of sufficient capacity to accommodate the segregated storage of municipal waste, food waste and mixed dry recyclables. Prior to commencement of development the developer shall submit to the planning authority for written agreement, full details of waste storage space, including methods of ventilation, proposed for the development.

(e) All necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of orderly management and disposal of waste.

14 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

Fergal O'Bric
Planning Inspectorate

31st August 2020