



An
Bord
Pleanála

Inspector's Report

ABP-320363-24

Development	Retention of awning to front of building.
Location	The Shelbourne Bar, 16-17 MacCurtain Street, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2442928
Applicant(s)	Philip Gillivan
Type of Application	Retention Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Philip Gillivan.
Observer(s)	None.
Date of Site Inspection	24 th October 2024.
Inspector	Paul Kelly

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is located mid-terrace on MacCurtain Street, Cork City Centre and consists of two properties (No.16 & No.17) which are currently in use at ground floor level as the 'Shelbourne Bar'. The site is located on the southern (north facing) side of the street, which is characteristic of a mixed-use city centre location, with hospitality, food and public house uses predominant. The area has a high-quality public realm environment and a notable period character with the streetscape generally ranging in height from three to four storey. The subject property is located within the MacCurtain Street Architectural Conservation Area ("ACA") as designated in the Cork City Development Plan, 2022-2028 and is included in the National Inventory of Architectural Heritage (NIAH).

2.0 Proposed Development

- 2.1. The proposed development comprises:

- Retention permission for the erection of an awning to front of existing building.

The awning to be retained is located on the front elevation of the Shelbourne Bar, principally at street level. The awning extends approx. 3.4m from the front wall over the adjoining footpath and towards the public road edge. It has an elevational length of 10.9m and is a substantial structure with an area of approx. 37 sq.m. It has a height (over the public footpath) of 2.47m at its lowest point, and 4.32m where it adjoins the front wall of the parent building. The structures and fixings which support the scale of the awning however extend to a height of 5.32m where their position impacts the first floor of the front elevation. The awning is partially retractable, with the canvas withdrawing under a partial solid roof, but the substantial cantilevered support structures and fixings are rigid, and they do not retract.

It is noted that there is an existing small, modest and retractable canopy under the awning, and which is not the subject of this appeal.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (“PA”) decided by Order dated 9th July 2024 to Refuse Retention Permission for a single reason which is set out as follows:

1. The large non-retractable awning to be retained extends significantly into the public realm and, being cantilevered from the first floors, has materially and adversely affected the character of heritage buildings, the setting of the Everyman Theatre, a protected structure (RPS No.186), and the special character of the MacCurtain Street Architectural Conservation Area in which the site is located. The development contravenes Strategic Objective 7 and Objectives 8.17, 8.22 and 8.23 and Section 11.193 of the Cork City Development Plan, 2022-2028 and is therefore considered contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Executive Planner reflects the PA decision to refuse planning permission for retention of the development for the single reason set out at Section 3.1 above. The location, planning history and applicable policy context are set out and the reports received in respect of the application are noted.
- The report concludes that EIA and AA are not required and that the development site is not within a Flood Zone A or B designation.
- The report opines that the development, located in the ‘ZO 05 City Centre Zone’ must be assessed against its impact on the subject NIAH properties, the adjoining protected structure and the MacCurtain Street Architectural Conservation Area. The report of the CO is noted. The Executive Planner agrees with the conclusions of the Conservation Officer; however the EP also concludes that the canopy is contrary to Section 11.193 of the Cork City

Development Plan, 2022-2028 which requires canopies to be retractable and of traditional design.

3.2.2. Other Technical Reports

- Conservation Officer (27/06/2024) – it is recommended that retention permission be refused on the basis that the large awning, cantilevered from the first floors, has materially and adversely affected the character of No.s 16 17 MacCurtain Street (which are recorded on the National Inventory of Architectural Heritage), the setting of the Everyman Theatre (which is a protected structure RPS No. 186) and the special character of the MacCurtain Street Architectural Conservation Area. In recommending that permission be refused the Conservation Officer noted that the application consists of two two-bay three-storey historic buildings to the south side of MacCurtain Street in use as the Shelbourne Bar at ground level and that they retain much of their historic character including a rendered and painted façade, timber sash windows and decorative window mouldings (No.16). The Conservation Officer considers that they contribute significantly to the special character of the MacCurtain Street ACA. The Conservation Officer finds that the large awning, cantilevered from the first floor has a high and adverse visual impact on the buildings largely as a result of scale and the supporting structure and associated fixings which obscure the ground floor and disfigure the first floor. It was also considered that the awning significantly impacts the adjoining protected structure (Everyman Theatre), its distinctive entrance canopy and views on approach from the west.
- Executive Technician, Community, Culture & Placemaking (27/06/24) – no objection subject to development contribution conditions.
- Area Engineer (04/07/24) – provides general comments without conclusion or recommendation. The comments in relation to a separate Section 254 Licence application for street furniture are not a relevant consideration. The Engineer considers that the height of the awning should be increased to 2.5m (from 2.47m) over the pavement to cater for cyclists.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

The following planning history is relevant to the subject site:

- Plan.Reg.No. **99/23142** – Permission for ‘alterations of premises into a single unit on ground floor & to alter the ground floor front elevation’ at No. 16 & 17 MacCurtain Street. I note that this proposal was to develop 2no. separate public houses into a single public house. Permission was granted subject to conditions which, inter alia, required modifications to the façade and fenestration to reflect the original separate buildings at street level and to provide for sliding timber sash windows at upper levels.
- Plan.Reg.No. **04/28810** – Permission granted for the ‘erection of an awning to the front’ of No.16 & 17 MacCurtain Street. I have reviewed the reports and conditions associated with this decision and note that: there are no built heritage considerations referenced in the planning assessment, which is based on a ‘city centre commercial core area’ zoning. I note that the premises was in use as the Shelbourne Bar at the time. There was no objection to the proposal which provided for a 1.8m retractable awning. Permission was granted subject to 4no. conditions, which required, inter alia, that no part of the awning when extended would be within 2.6m of the footpath and materials and colour would be agreed within 1 month of the date of permission.

5.0 Guidelines

Department of the Arts, Heritage and Gaeltacht (DAHG) Architectural Heritage Protection Guidelines for Planning Authorities (2011). (the “2011 Guidelines”)

The 2011 Guidelines set out criteria for assessing proposals within an Architectural Conservation Area (Chapter 3, Section 3.10) and in respect of proposals for new development (Section 3.10.1) states that it is preferable to minimise the visual impact of the proposed structure on its setting and that the scale of new structures should be appropriate to the general scale of the area and the palette of materials and typical details for facades should generally reinforce the areas character.

6.0 Policy Context

6.1. Development Plan

The Cork City Development Plan, 2022-2028 (the “CCDP”) was adopted on 10th June 2022 and took effect on 8th August 2022.

- **Chapter 2 – The Core Strategy**

The CCDP sets out nine Strategic Objectives to guide the future development of Cork City. **Strategic Objective SO:7 ‘Heritage, Arts and Culture’** is to:

“Protect and enhance the unique character and built fabric of the city, its neighbourhoods, urban towns and settlement by caring for Protected Structures, archaeological monuments and heritage, Architectural Conservation Areas and intangible heritage. Identify, protect, enhance and grow Corks unique cultural heritage and expression in an authentic and meaningful way. Ensure Cork’s heritage, culture and arts are celebrated and developed to create an attractive, vibrant and inclusive place to live, work, study and visit.”

- **Chapter 12 – Land use Zoning Objectives**

This chapter of the CCDP sets out the landuse zoning objectives of the Plan. It is clarified that land use zonings spatially represent the development strategy for the City set out in the Core Strategy and that landuse zoning objectives must be read in

conjunction with the development objectives of the Plan. Where there is doubt, the Plan confirms that the direction provided in the Core Strategy should be followed.

The subject site is located on lands zoned as '**ZO 05 – City Centre**' with the following zoning objective:

“To consolidate and facilitate development of the central area and to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth.”

The CCDP states that development in this zone must demonstrate how the proposal would respect, reflect or contribute to the character and vibrancy of the City Centre and must deliver a quality urban environment and public realm (Section ZO 5.4).

Specific development objectives for the City Centre are then set out in Chapter 10 of the Plan.

- **Chapter 8 – Heritage, Arts and Culture.**

Chapter 8 of the CCDP deals with Heritage, Arts and Culture and sections 8.18-8.37 (inc) deals specifically with built heritage, protected structures, NIAH, and architectural conservation areas (ACA's). This chapter recognises that Cork's built heritage contributes significantly to the city's identity, its urban fabric and sense of place and also that sympathetic adaptation can allow architectural heritage to yield economic benefits to the city. Section 8.22 provides that any changes or alterations to the character of a protected structure are required to be carried out in such a way that the special character is retained and enhanced, and Section 8.26 confirms that curtilage and attendant grounds of a protected structure are included for protection as they are defining elements. Section 8.35 & 8.36 of the CCDP provides that the designation of an area as an 'ACA' is intended to encourage development that promotes a high standard of design and detail, enhancing Cork City's existing historic morphology, varied architectural styles and use of materials, but which adds new qualities from 'our own time', and it is acknowledged that new development would generally reflect contemporary architectural practice and would not aim to mimic historic building styles.

Vol.3 of the CCDP sets out the '**Built Heritage Objectives**' of the Plan. The 'MacCurtain Street' ACA is described on pages 60-63 and the 'Statement of Character' (Section 1.125 – 1.127) describes MacCurtain Street as '*a formal*

Victorian Street running between Bridge Street and Brian Boru Street with a mix of building types - ornate polychromatic stone and brick structures from the later 19th century such as Thompson House, the Metropole Hotel, and Isaac's restaurant and hotel among them. These are interspersed with slightly earlier painted plastered terraced buildings and with a number of distinctive mid-20th century buildings along the north side.' The former Thompson Swiss roll bakery and stone-faced former CBC building are noted. In terms of 'building typology' Section 1.128 notes the '*more modest narrow frontage painted plastered structures with timber sash windows, stone slate roofs and cast metal rainwater goods*' on MacCurtain Street. Issues within the ACA are not identified on MacCurtain Street itself.

Otherwise, the following Built Heritage Objectives of the CCDP are relevant:

Objective 8.17 – Conservation of the City's Built Heritage

- "a. To seek to ensure the conservation of Cork City's Built Heritage.*
- b. To ensure that Cork's Built Heritage contributes fully to the social and economic life of the city and to pursue actions that ensure Cork's built heritage will benefit from good custodianship and building occupation."*

Objective 8.23 – Development in Architectural Conservation Areas

"Development in Architectural Conservation Areas should have regard to the following:

- a. Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted;*
- b. Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area;*
- c. Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc;*

- d. *Repairs or the addition of new materials should be appropriate and in keeping with the character of original structures."*

Objective 8.22 – National Inventory of Architectural Heritage (NIAH) is also noted in respect of Cork City Councils commitment to have regard to Ministerial recommendations in relation to protected structures and to engage with key stakeholders in relation to the most appropriate response for the protection of buildings and historic areas.

- **Chapter 10 – Key Growth Areas and Neighbourhood Development Sites**

Chapter 10 of the CCDP builds on the Strategic Growth Objectives of Chapter 2, and focuses on the key growth areas identified in the Core Strategy and including the City Centre. **Objective 10.9** of Chapter 10 seeks to support the development of leisure and entertainment facilities, including public houses, and recognises the role that they play on the vibrancy and attractiveness of the City Centre. This objective states that such developments will be discouraged in areas where there are likely to impact negatively on the established character of the city centre. **Objective 10.10** of Chapter 10 seeks to support the development of a night-time culture.

- **Chapter 11 – Placemaking and Managing Development**

Chapter 11 of the CCDP sets out guidance on development in Cork City and the qualitative and quantitative standards against which development proposals will be assessed. I note that Section 11.187 thereof recognises that public houses play an important part in the night-time economy of the City and the Section 11.188 states that applications for new or extensions to public houses will be assessed having regard to, inter alia, 'shopfront treatment, signage and lighting.' Section 11.193 deals specifically with 'Shopfronts and Commercial Facades' and states that they are one of the most important elements in determining the character, quality and image of commercial streets and provides that:

- “1. *Original, traditional shop fronts, pub fronts and facades shall be retained, preserved or restored;*
2. *Contemporary shop/pub fronts will be considered when: materials and proportions are appropriate to the scale and fabric of the building and/or street, the design complements the design of the upper floors of the building,*

the shop front/façade does not extend into the floor above concealing first floor window cills and existing elevations are not straddled;

- 3. The City Council will aim to reduce visual clutter and control the number and type of signs that are displayed;*
- 4. Generally the use of external roller shutters/security screens shall not be permitted on the front of shops. If required they should be placed behind the shop front display;*
- 5. Consideration will be given to the protection and enhancement of the architectural character of the city. Particular care and regard will be had to any proposed shop fronts in ACA's;*
- 6. The design of the shop front/façade should include the street number of the premises;*
- 7. The applicant shall submit proposals for the removal of external signage in the event the unit ceases trading;*
- 8. Planning permission is required for the erection of canopies. Canopies of traditional design and retractable materials will be favoured."*

6.2. Natural Heritage Designations

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- Proposed Natural Heritage Area (pNHA) Cork Lough (Site Code: 001081) approx. 1.7 km southwest of the site.
- Proposed Natural Heritage Area (pNHA) Lee Valley (Site Code: 000094) approx. 3.7km west of the site.
- Proposed Natural Heritage Area (pNHA) Douglas River Estuary (Site Code: 001046) approx. 3 km southeast of the site/4km east of the site;
- Special Protection Area (SPA) Cork Harbour (Site Code: 004030) approx. 3km southeast of the site/4km east of the site.

6.3. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal by Dennehy Architects on behalf of Philip Gillivan was lodged with the Board on 2nd August 2024 challenging the PA decision. The grounds of appeal can be summarised as follows:

- MacCurtain Street has undergone a rapid and significant transformation in recent years to become a vibrant neighbourhood with an emphasis on hospitality and the development plays its part in the revitalisation of the area.
- The structure is lightweight resulting in little interference with the existing building and is reversible in line with conservation practice.
- The closest Protected Structure is the adjoining 'Everyman Theatre' of which only the interior is protected, the remaining protected structures in the vicinity are at a remove and are not impacted.
- No.16 & 17 MacCurtain Street are listed on the NIAH as a function of age rather than any exceptional attributes. Cork City Council has not included it on the Record of Protected Structures and therefore it is not a precious jewel or a heritage building that requires restrictive protection.
- The MacCurtain street ACA was newly created in the CCDP, 2022-2028 concurrent with the rebranding of the area as the 'Victorian Quarter'. It was not an ACA prior to 2022 and is indicative of a blanket approach taken by the City Council across the majority of the city centre. The statement of character for this ACA is cited from Volume 3 of the CCDP and it is submitted that the

primary focus of the ACA is the protection of ornate Victorian buildings rather than mid-19th century traditional architecture which forms the subject site. It is submitted that the Victorian buildings are at a remove from the site and the remainder of the building stock enjoys similar outdoor recreational areas with associated awnings and the development is not inconsistent with the majority of these premises.

- The ornate canopy outside the entrance to the Everyman Theatre was constructed in the late 1990's in a pastiche Victorian style quite at odds with the simply proportioned 19th century terrace in which it sits centrally. It is contended that the CO report fails to have regard to this and fails to have regard to the protection of the interior of the Everyman Theatre only. It is submitted that the decision gives false, undue and inappropriate weight to the protected structure status of the adjoining building (Everyman Theatre) as a result.
- It is submitted that the awning, which is modern, lightweight and reversible is better than a mimicking pastiche approach and that it respects built heritage by distinct difference. It is further submitted that Section 11.193 of the CCDP favours traditional and retractable canopies but that this does not mean that non-traditional proposals cannot be considered. On this basis it is submitted that the development to be retained is not contrary to the CCDP as stated in the refusal reasons.
- It is submitted that the PA reasoning for refusal is flawed as the development to be retained has no impact on the protected interior of the Everyman Theatre, that the awning has little negative impact on the ACA and will make a positive impact on the streetscape by contributing to social regeneration and vibrancy.
- The Board is requested to grant retention permission or to at least consider a temporary permission for 5-10 years.

7.2. Planning Authority Response

- The PA maintains that it has carried out its duties in accordance with the provisions of legislation and that its decision to refuse permission is consistent

with the provisions of the CCDP and the proper planning and sustainable development of the area. The PA had no further comments to make.

7.3. **Observations**

- None.

7.4. **Further Responses**

- None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues to be considered in this appeal are as follows:

- Character of the development; and
- Architectural Conservation

8.2. **Character of the development**

I note that Chapter 11 of the CCDP sets out the qualitative and quantitative placemaking standards for the assessment of development proposals and that Section 11.193 deals specifically with 'Shopfronts and Commercial Facades', including a provision that: '*canopies of traditional design and retractable materials will be favoured.*'

The canopy to be retained is neither of traditional design nor retractable materials and notwithstanding its location within an ACA, it is considered from an inspection of the site to be an excessive, incongruous feature of discordant scale and character. It is evident that it extends excessively over the public footpath, such that it requires additional structural supports and fixings that are physically and visually significant of themselves and which impact the upper floors of the subject property. As a result the structure is rigid, permanent, strident and visually obtrusive and I consider that it

constitutes a disorderly form of development contrary to the qualitative standards of the CCDP for Shopfronts and Commercial Facades. I am of the opinion that it is out of character with modest character or architectural merits of established canopy features within the locality of the site and I would be concerned that it would establish an undesirable precedent for other similar disorderly proposals contrary to the qualitative standards of the Plan when none currently exist at this location. I recommend that planning permission be refused for this reason.

8.3. Architectural Conservation

I note that the subject property itself, which consists of No. 16 & 17 MacCurtain Street, while not a protected structure, is included in the National Inventory of Architectural Heritage (NIAH). The property at No.16 is categorised for Architectural Special Interest and is rated as being of Regional significance. It is dated as being constructed c. 1840 as a group of buildings with the former houses to the east and west including No.17 MacCurtain Street (to the west) and the Everyman Theatre (to the east). The scale and form of the terrace is appraised as making a positive contribution to the streetscape with No.16 enhanced by the retention of the original timber sash windows on the second floor. **Reg. No. 20512475** refers. The property at No.17 is also categorised for Architectural Special Interest and is rated as being of Regional Significance. Also dated to c. 1840 as part of the same group and terrace of buildings, it is appraised as also remaining an integral part of the terrace and enhanced by the retention of the early twentieth-century timber sash windows. **Reg.No. 20512476** refers. Together these properties constitute the subject site.

The buildings are adjoined to the east by the 'Everyman Theatre' which is also identified on the NIAH where it is categorised for both Architectural and Cultural Special Interest reasons and rated of Regional Significance. This property is also dated to c. 1840 as part of the abovesaid group and terrace of buildings and it is appraised as making a positive contribution to the streetscape as part of an interesting group of theatre buildings with an auditorium to the south and stage entrance building to the east. The timber sash windows to the upper floors are noted together with the cast-iron porch spanning the pavement as added in 1999. I note that the appraisal of this building does not consider the later addition of the cast-iron porch to be detrimental. **Reg.No. 20512474** refers. It is noted that this property is

also included in the Record of Protected Structures (RPS) as set out in the Cork City Development Plan, 2022-2028, but that it is the 'interior' of the 'Everyman Palace Theatre' which is listed. **RPS 186** refers.

Otherwise it is noted that there are a total of 35 no. properties (inc. those described above) included on the NIAH within MacCurtain Street and the area is one of notable period character. The subject site and MacCurtain Street are within a larger ACA designated in the CCDP at this location known as the 'MacCurtain Street Architectural Conservation Area'. I note from the 'Statement of Character' for this ACA (Vol.3 of the CCDP refers) that the building typology of special interest includes *'more modest narrow frontage painted plastered structures with timber sash windows, stone slate roofs and cast-iron metal rainwater goods'*. I am satisfied that the subject property comes within this building typology and therefore contributes to the special interest and character of the ACA.

I have already established my opinion, that the awning to be retained is an excessive, strident and visually obtrusive feature as a result of its scale, extents, structure, design and materials. In this regard I am clear in my view that the awning is injurious to the architectural fabric of the subject property as a result of the impacts on the integrity, symmetry, proportions, visibility and materiality of the upper floor fenestration, render and character of No.16 & No. 17 MacCurtain Street and as a result of the obscuring impacts on the ground floor. Essentially the structure serves to delete the contribution of the ground floor façade to the streetscape. I am also of the view that the awning is injurious to the other period buildings at this location, including the Everyman Theatre as a result of its excessive intrusion on the character, symmetry and proportions of the terrace and group of buildings at this location, particularly at ground and first floor level. It is my opinion that as a result of these adverse impacts on the architectural integrity of NIAH buildings and the unprecedented disruption otherwise affected on the scale and character of the streetscape at street level, that the proposal is also seriously injurious to the character of the MacCurtain Street ACA both by itself and by the precedent that it would otherwise establish. In reaching this conclusion I note that at street level, the character of existing canopies within MacCurtain Street is modest, traditional and retractable with the exception of several architectural canopies which in my view integrate with the architectural integrity of their parent buildings. There is no

precedent for a canopy of the nature proposed, and this is a fact which accentuates its discordant and injurious characteristics on the environment.

It is my view that to permit retention of the subject development would be contrary to Strategic Objective SO 7, Objective 8.17 & 8.23 of the CCDP and contrary to the 2011 Guidelines which seek to recommend that the scale of new structures (within an ACA) should be appropriate to the general scale of the area and the palette of materials and typical details for facades and other surfaces should generally reinforce the area's character.

I agree with the appellant that retention of the subject awning has no material impact of the interior of the 'Everyman Theatre' and that the protected status of this structure for 'interior' reasons is not a material consideration in the assessment of this application. I am satisfied that the architectural character of the 'Everyman Theatre' is sufficiently taken into account in the assessment of this appeal through regard to its NIAH status.

I otherwise concur with the assessment of the CO and the PA that the subject development has materially and adversely affected the character of heritage buildings and the special character of the MacCurtain Street Architectural Conservation Area and I recommend that permission be refused for this reason and that this is the primary reason for refusal.

It is noted that a more modest canopy is also in situ underneath the subject awning. This is not the subject of appeal and it is presumed that this is the canopy previously permitted under Plan.Reg.No. 04/28810 and therefore the appellant has recourse to use of same.

9.0 AA Screening

- 9.1. Having regard to the modest nature and scale of the development, consisting of an awning cantilevered to the front of an existing mid-terrace commercial building within a City Centre environment and to the distance from European Sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans

or projects on a European Site and there is no requirement for a Stage 2 Appropriate Assessment.

10.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. The subject site is located within the MacCurtain Street Architectural Conservation Area (ACA) as designated in the Cork City Development Plan, 2022-2028 and at a location where the Architectural Heritage Protection Guidelines (DAHG, 2011) require that new developments are appropriate to the scale of the area and reinforce the areas character. The site also consists of, and adjoins, period buildings identified on the National Inventory of Architectural Heritage (NIAH) for architectural and cultural reasons. It is a Strategic Objective of the Plan to (inter alia): *'protect and enhance the unique character and built fabric of the city by caring for Protected Structures, archaeological monuments and heritage, Architectural Conservation Areas and intangible heritage'* (**SO 7**) and it is an objective of the Plan to *'seek to ensure the conservation of Cork City's Built Heritage'* (**8.17**) and that development in Architectural Conservation Areas should have regard to (inter alia) the retention of *'historic materials and methods of construction'* and that *'the addition of new materials should be appropriate and in keeping with the character of original structures.'*(**8.23**). It is considered that the awning to be retained by reason of its excessive scale and extent, inappropriate structural design including cantilevered supports, and unsympathetic form and materials, constitutes a discordant, strident and obtrusive feature on the streetscape which materially and adversely effects the architectural symmetry, proportions, character and integrity of the subject property, the setting of adjoining period properties, and which is seriously injurious to the special character of the MacCurtain Street ACA. Accordingly, it is considered that to permit the proposed development would materially contravene Strategic

Objective SO 7 and Objective 8.17 and 8.23 of the Cork City Development Plan, 2022-2028, would be contrary to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would thereby be contrary to the proper planning and sustainable development of the area.

2. The subject site is located within a vibrant commercial streetscape and quality public realm environment, where established canopies are either traditional, retractable and modest, or architectural character features. The qualitative placemaking and development management standards of the Cork City Development Plan, 2022-2028 in respect of '*shopfronts and commercial facades*' provides that '*canopies of traditional design and retractable materials will be favoured*' – Chapter 11, Section 11.193. It is considered that the awning to be retained is a rigid and strident feature of discordant scale and character, which extends excessively into the public realm and necessitates unsympathetic support structures, form and materiality in a manner that is injurious to the visual amenities and architectural conservation integrity of the area and out of character with the streetscape. Accordingly, it is considered that to permit retention of the awning would be contrary to the qualitative placemaking standards of the Plan and the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Paul Kelly
Senior Planning Inspector

November 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320363-24		
Proposed Development Summary	Retention of awning to front of building.		
Development Address	The Shelbourne Bar, 16-17 MacCurtain Street, Cork City.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes <input checked="" type="checkbox"/>	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input type="checkbox"/>		Proceed to Q3.
No	<input checked="" type="checkbox"/>		No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input type="checkbox"/>		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	<input type="checkbox"/>		Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	<input type="checkbox"/>	Screening determination remains as above (Q1 to Q4)	
Yes	<input type="checkbox"/>	Screening Determination required	

Inspector: _____

Date: _____

Paul Kelly

Senior Planning Inspector