

An
Bord
Pleanála

Planning Appeal Form

AN BORD PLEANÁLA

LDG- 03407-20

ABP- _____

10 NOV 2020

Fee: € 220

type: Case

Time: 14:59

By: Hand

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

MacCurtain Street Hoteliers Limited

(b) Address

BCA Accountants,
Clonminch Hi Technology Park,
Tullamore
Co. Offaly

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Keystone Planning Consultancy Limited
FAO: Damien O'Mahony (086)0441483

(b) Agent's address

Rossbrin
Frankfield View,
Old Youghal Road,
Cork
T23 C4HX

AN BORD PLEANAR
LDC
ABP
10 NOV 2019
Fee: €
Frankfield View

Your details

1. Appellant's details (person making the appeal)
Your full details:

(a) Name

MacCurtain Street Hotels Limited

(b) Address

BCA Accounts,
Clonminch Hill Technology Park,
Tullamore,
Co. Offaly

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Keystone Planning Consultancy Limited
FAO: Damien O'Mahony (086)0441433

Postal address for letters

Appeal details

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Cork City Council

(b) Planning authority register reference number

(for example: 18/0123)

R602/20

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Former Windsor Hotel 54-55 MacCurtain Street, Cork

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please see attached

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct **fee** is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

Oral hearing request

9. If you wish to [request the Board to hold an oral hearing](#) on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Keystone Group Ltd., Planning Consultants
M: 086 0441483 | E: damien@keystonegroup.ie
Rossbrin, Frankfield View, Old Youghal Road, Cork W: www.e-t-c.ie

**The Secretary,
An Bord Pleanála
64 Marlborough Street,
Dublin 1
D01V902**

10th November 2020

Re: Appeal against a Declaration pursuant to Section 5 of the Planning & Development Acts 2000 (as amended) in relation to extension of height of lift shaft at former Windsor Hotel, 54-55, MacCurtain Street, Cork. Ref: T.P. 1737657

Dear Sir/Madam,

We act for MacCurtain Street Hoteliers Limited, who are currently developing the above sleeper hotel, permitted pursuant to TP 17/37657, which was granted on the 5th March 2018.

As the project advanced and, as per statutory requirements, a Fire Safety Certificate and Disability Access Certificate were applied for before the commencement of construction works.

During the process of the Fire Safety Certificate application, and through dialogue with the Fire Department, a fire-fighting lift stair core and lift shaft were required as part of the overall strategy to ensure compliance with Building Regulations. The required fire-fighting lift shaft requires a specific lift which is designed and installed in accordance with BS9999:2017. This differed from the lift originally envisaged during the planning stage.

The relevant Regulations were changed at the end of 2017 which has resulted in an increase in head height required for service and installation of lifts i.e. EN-81_20 & EN-81_50 superseded EN-81_1.

The original proposal for the lift was based on the previous standard which was current at the time of application. The Applicant is now, of course, obliged to comply with the newer regulations and a lift was chosen which had the minimum over run possible but still complied with relevant standards. This lift provides access to all levels for both the general public and the firefighting team and is therefore essential to the safety of the building in the event of fire. Great care has been taken to minimise the visual impact of the lift overrun and its strategic location away from the building edge assists in minimising its visual impact.

The Design Team had no option but to comply with the requirements of the Fire Safety Certificate and our understanding is that such requirements are regarded as exempted development as they

fall within Class 41 (e) of the Schedule of Exempted Developments contained in the Planning & Development Regulations 2001 (S. I. 600 of 2001). In addition we would respectfully submit that the positioning of the shaft minimises any potential negative impact on the building or its immediate environment. (Please see elevations in **APPENDIX 2**). We submitted a Request for a Declaration under S. 5 to Cork City Council on 18th September 2020.

On the 14th October 2020 the Planning Authority's determined that the development is development and is **not exempted development**.



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Damien O mahony
Keystone Planning Ltd
Rossbrin
Frankfield View
Old Youghal Road
Cork

14/10/2020

RE: Section 5 Declaration R602/20 Windsor Hotel, 54 – 55
McCurtain Street, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

- **having regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended) it is considered that *the increase in the height in the design of the lift shaft, which was mandated by the Fire Safety Certificated issued for the development* Is Development and is Not Exempted Development.**

Is misa le meas,

Kerry Bergin
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

APPENDIX 1



Keystone Group Ltd., Planning Consultants
M: 086 0441483 | E: damien@keystonegroup.ie
Rossbrin, Frankfield View, Old Youghal Road, Cork W: www.e-t-c.ie

The Secretary,
Planning Department,
Cork City Council,
City Hall, Cork

18th September 2020

Re: Application for Retention of demolition of southern and western facades (MacCurtain Street and York Street respectively) and erection of replacement facades corresponding to those permitted under T.P. 1737657 at former Windsor Hotel, 54-55, MacCurtain Street, Cork.

Planning Authority Warning Letter Ref.: E8147

Dear Sir/Madam,

We act for MacCurtain Street Hoteliers Limited, who are currently developing the above sleeper hotel, permitted pursuant to TP 17/37657 which was granted on the 5th March 2018.

Condition 2 of that permission required that revised elevations showing a number of amendments to the McCurtain Street, York Street and Little William Street elevations be submitted for the written approval of the Planning Authority prior to the commencement of the development.

2	<p>Prior to the commencement of development the applicant shall submit for the written agreement of the planning authority revised elevations showing the following amendments to the proposal:</p> <p>McCurtain St Elevation:</p> <ul style="list-style-type: none">- At the fifth floor level - the frameless glazed balconies to be omitted.- At the sixth floor level - the dormer profiling of the windows and the glazed balconies to be omitted. <p>York St Elevation:</p> <ul style="list-style-type: none">- At the fifth floor level - the dormer profiling of the windows and the frameless glazed balconies to be omitted.- At the sixth floor level - the dormer profiling of the windows and the glazed balconies to be omitted. <p>Little William St Elevation:</p> <ul style="list-style-type: none">- At the sixth floor level - the dormer profiling of the windows and the glazed balconies to be omitted.	In the interests of visual amenity
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Following discussions with the Planning Authority revised elevations were submitted and the Council issued its written agreement to the revisions on 14th December 2019.

It was the Clients' desire from the outset that these elevational changes could be achieved by modifying the existing southern and western facades of the structure.

DEMOLITION WORKS

As the building work progressed and the façade structures were exposed, serious concerns arose as to the structural integrity of the facades. In response to these concerns an inspection of the structural integrity of the building was carried out in February 2020.

CLC & Associates were engaged to inspect the opening up works that had been carried out onsite. The inspection raised a number of disturbing concerns regarding the pre-existing condition of the building. It was found that *"that the structure in its current form is not structurally sound and poses a serious health and safety risk to the surrounding area"*.

A series of photographs were taken (7th February 2020), which demonstrate that a number of compromising soft spots were present in the structure's walls. These largely consisted of loose rubble stone that had not been bonded with mortar. Timber joists and window lintels had also deteriorated to a point whereby significant rot had set in, and the building had become dangerously unstable, thus presenting an immediate risk to health and safety. The demolition works were proceeded with shortly thereafter, but only after it was confirmed that the extant structure posed a danger to members of the public.

It will be clear from the accompanying report, and in particular the photographic record contained therein, that the structure was both compromised and dangerous. The only prudent and responsible action in the circumstances was the demolition of the southern and western facades.

That being said, and with the benefit of hindsight, it is readily acknowledged that the Building Control section should have been notified prior to the demolition being executed. However, the issues of public and workforce safety, public liability and insurance implications loomed large in the decision to act without delay. Memories of the tragedy some years ago on Washington Street and the more recent building collapse on North Main Street contributed to the sense of urgency.

We would also ask the Planning Authority to note that the demolition of the facades and their reinstatement has added to the cost of this project.

From the developers' point of view it would have been far more preferable to follow the permission granted than to build them 'ab initio'.

The Structural Integrity Report is attached. (A detailed Method Statement has also been completed by Loftus Demolition & Recycling Ltd. and is available if required.)

WARNING LETTER

Cork City Council issued a *Warning Letter* (File Ref. E8147) (attached as Appendix A), regarding the alleged unauthorised demolition on the 4th March 2020. We would ask the Planning Authority to regard this Application as a response to that communication.

We would further ask the Planning Authority to note that it is the Developers' intention to restore the elevations in line with those approved by the Planning Authority in its Letter of Compliance dated 14th December 2019. When the building is completed there will be no discernible difference to the observer between the new facades and the previous proposal to modify the existing facades, save that the new building will be structurally sound and fully compliant with health and safety standards.

CONCLUSION

We respectfully submit that the decision to demolish these structures was taken in good faith and in the public interest. Following the professional advice recommending demolition has meant added cost to the project and it cannot be argued that the course of action taken benefitted the Applicants in this case in any way. Indeed, the opposite is the case.

Nevertheless, it is the intention of MacCurtain Street Hoteliers Ltd. to deliver the project and, in so doing, to add significantly to the guest accommodation offering in Cork City centre.

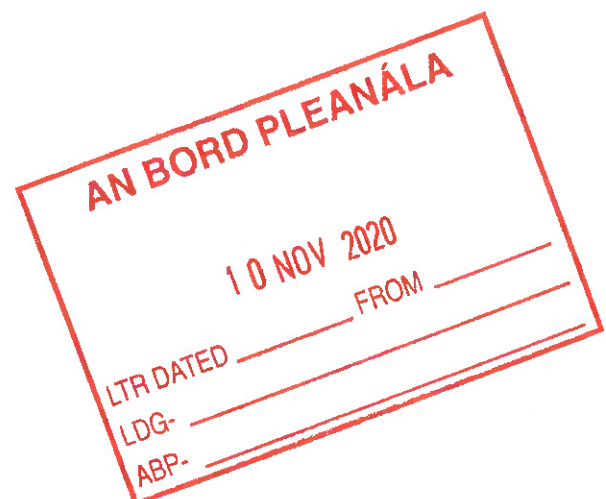
We trust you will find this application satisfactory and we look forward to the Planning Authority's decision in due course.

We would also ask the Planning Authority to note that the issue of the increase in height to accommodate fire access to the lift shaft is the subject of an Application for a Section V Declaration which has also been lodged on today's date, (18th September 2020).

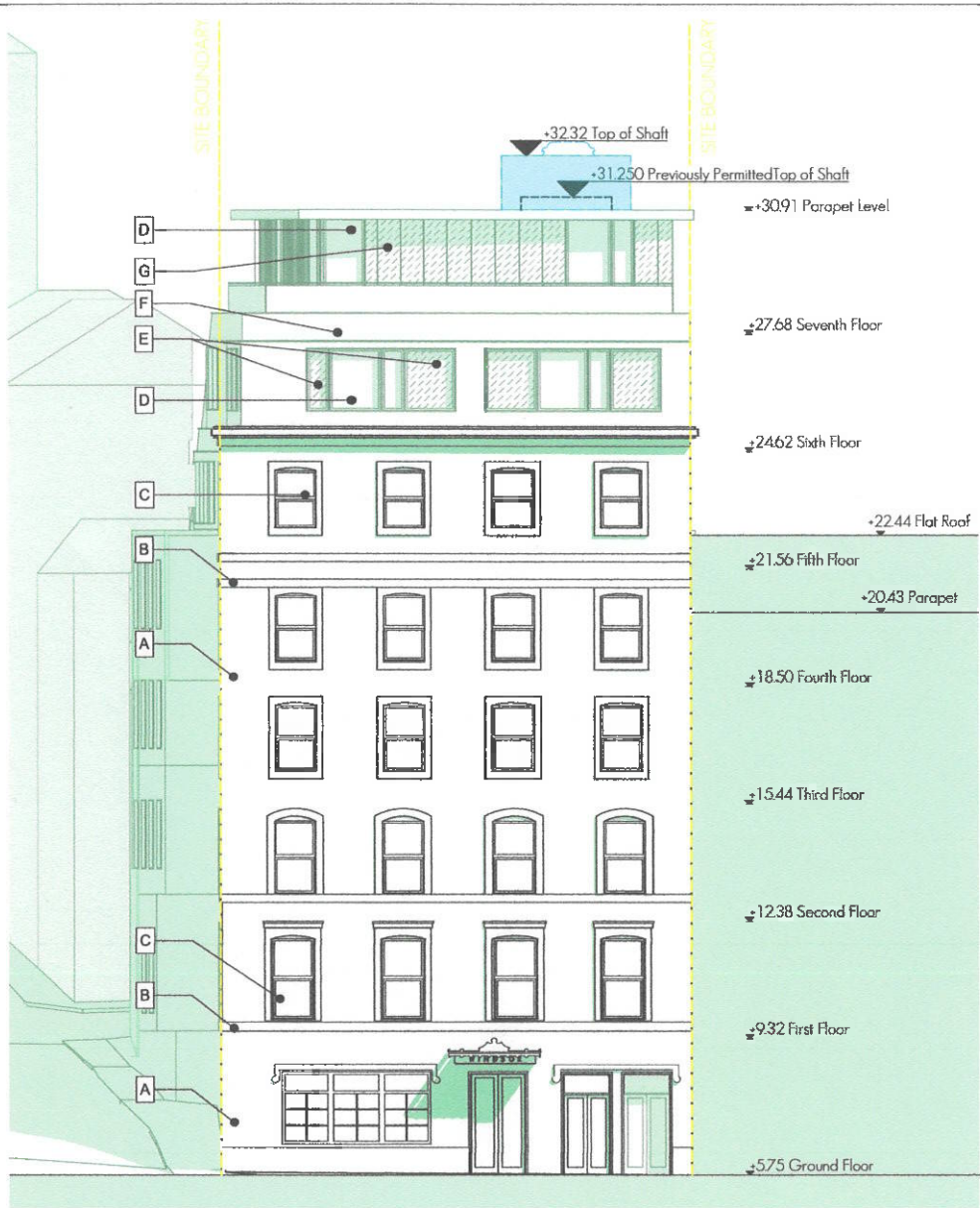
Yours Faithfully,

D. O'Mahony

Damien O'Mahony, BCL, LL.M, MPRII.



APPENDIX 2



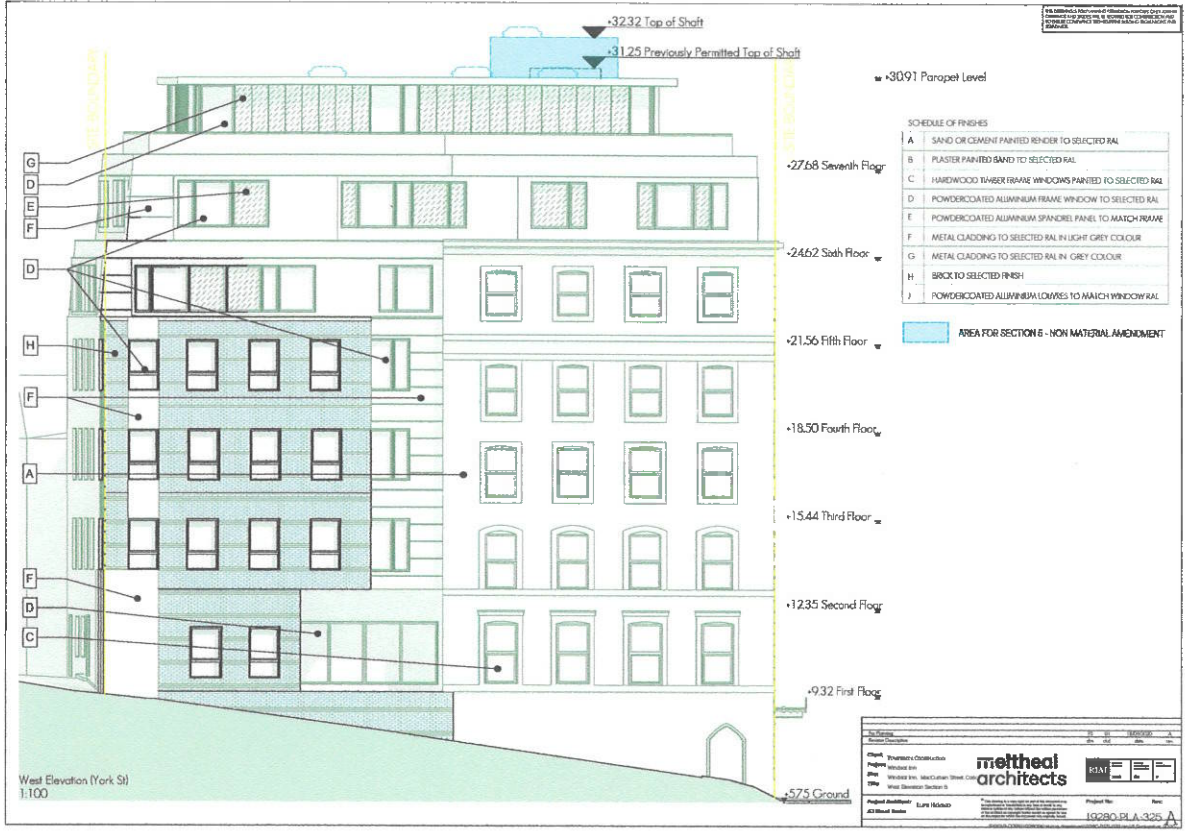
South Elevation (MacCurtain St)
1:100

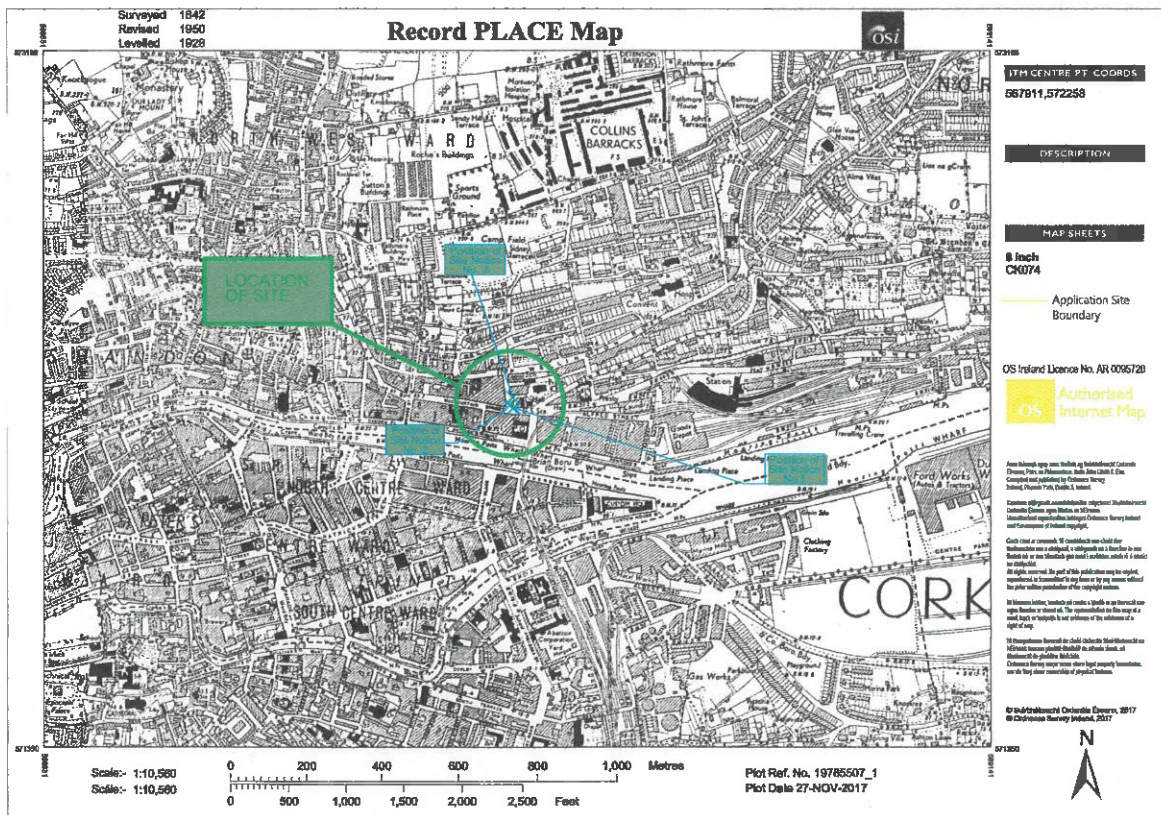
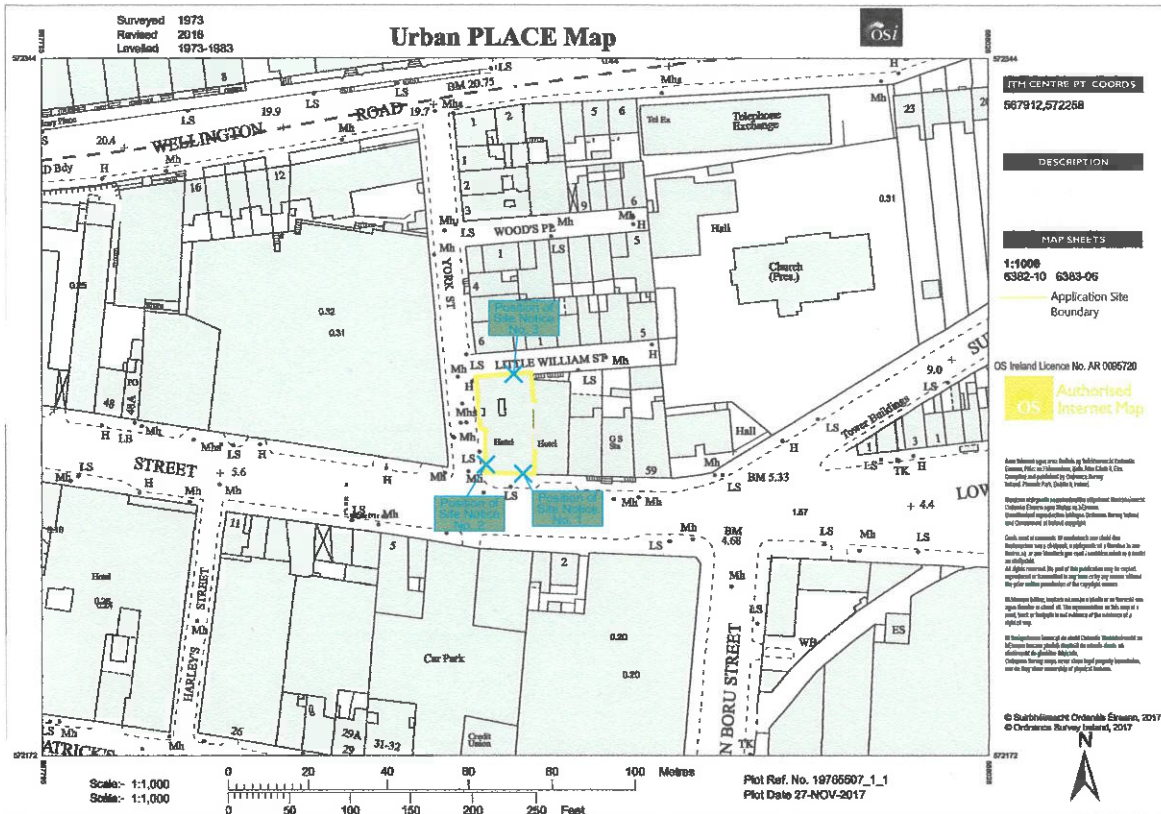
SCHEDULE OF FINISHES

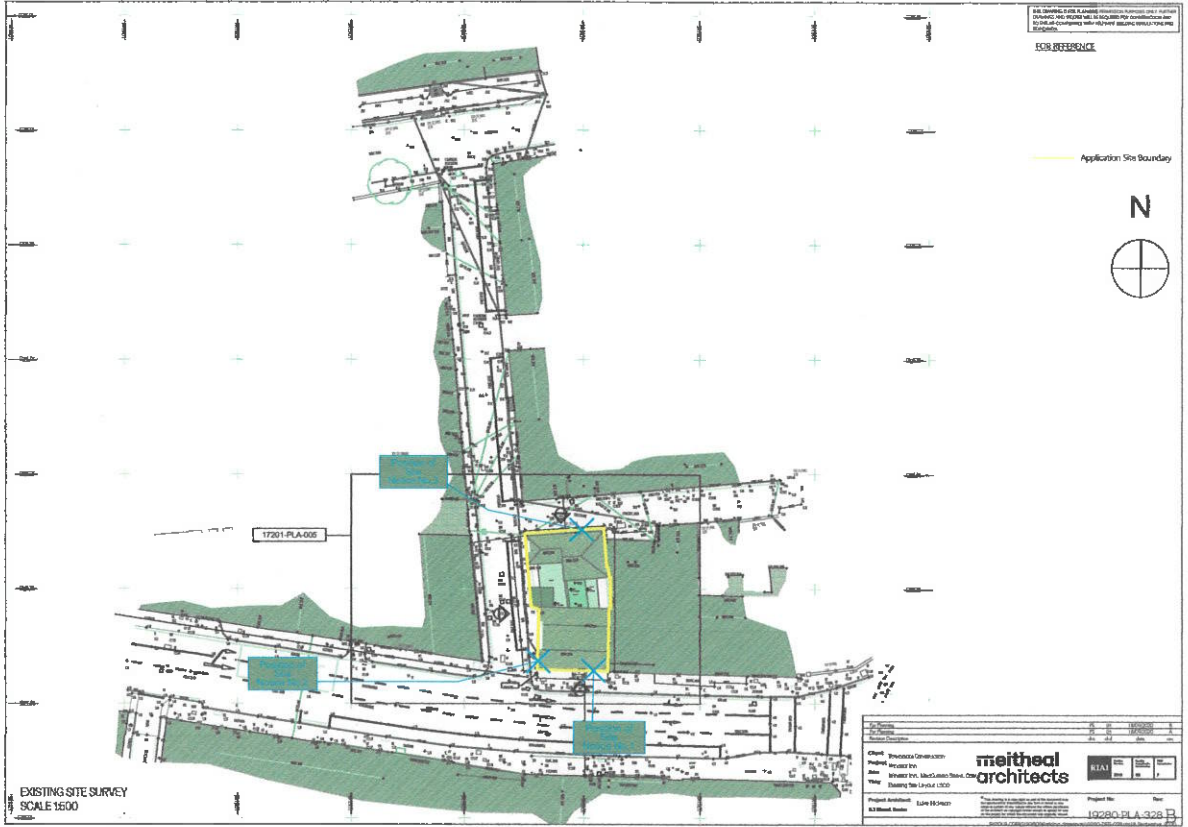
A	SAND OR CEMENT PAINTED RENDER TO SELECTED RAL
B	PLASTER PAINTED BAND TO SELECTED RAL
C	HARDWOOD TIMBER FRAME WINDOWS PAINTED TO SELECTED RAL
D	POWDERCOATED ALUMINIUM FRAME WINDOW TO SELECTED RAL
E	POWDERCOATED ALUMINIUM SPANDREL PANEL TO MATCH FRAME
F	METAL CLADDING TO SELECTED RAL IN LIGHT GREY COLOUR
G	METAL CLADDING TO SELECTED RAL IN GREY COLOUR
H	BRICK TO SELECTED FINISH
I	POWDERCOATED ALUMINIUM COUSERS TO MATCH WINDOW RAL

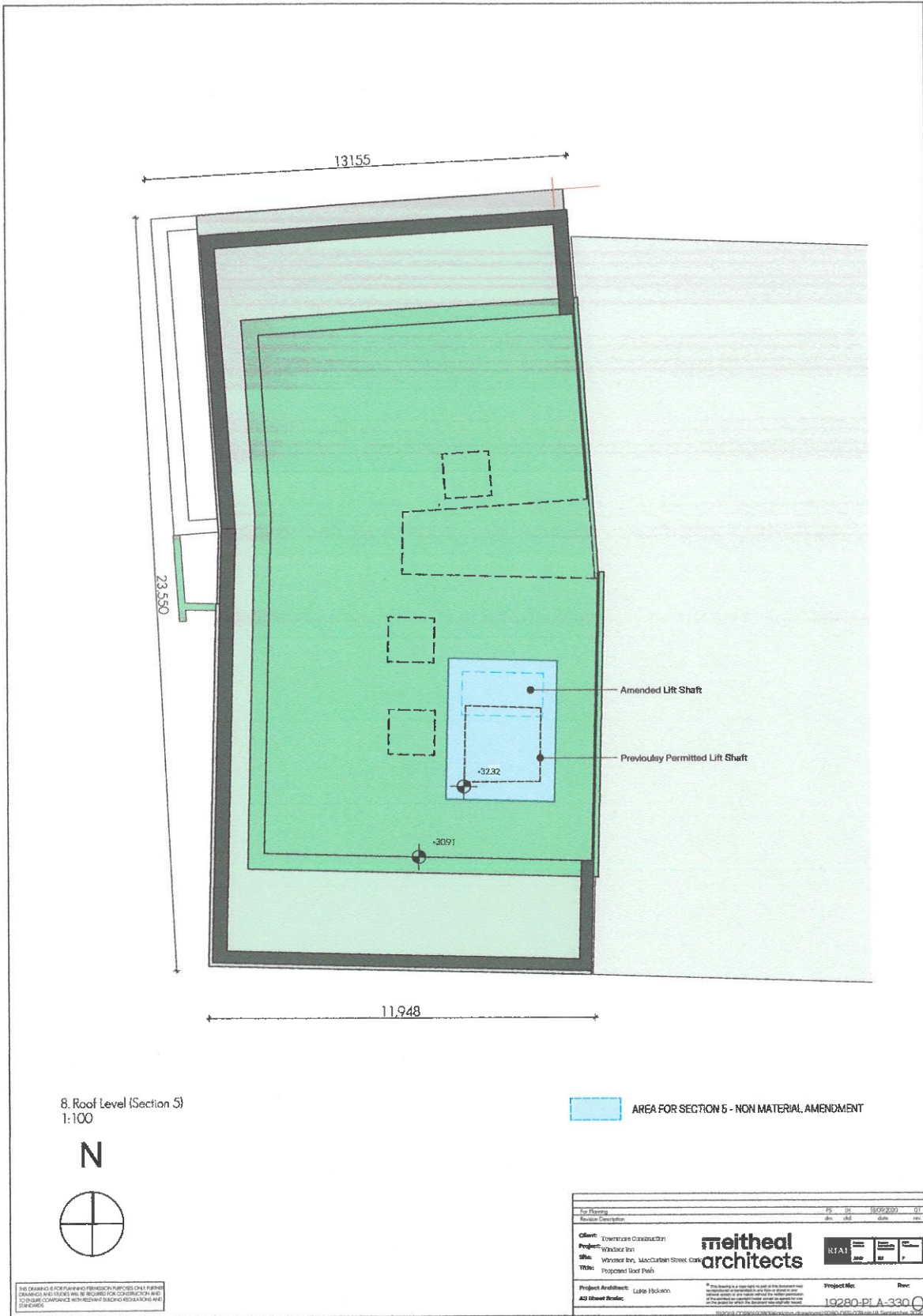
 AREA FOR SECTION 5 - NON MATERIAL AMENDMENT

For Review	ES	UR	18/03/2025	A
Revision Description	date	date	date	rev
Client	Viewpoint Construction			
Architect	malthus			

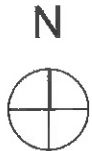








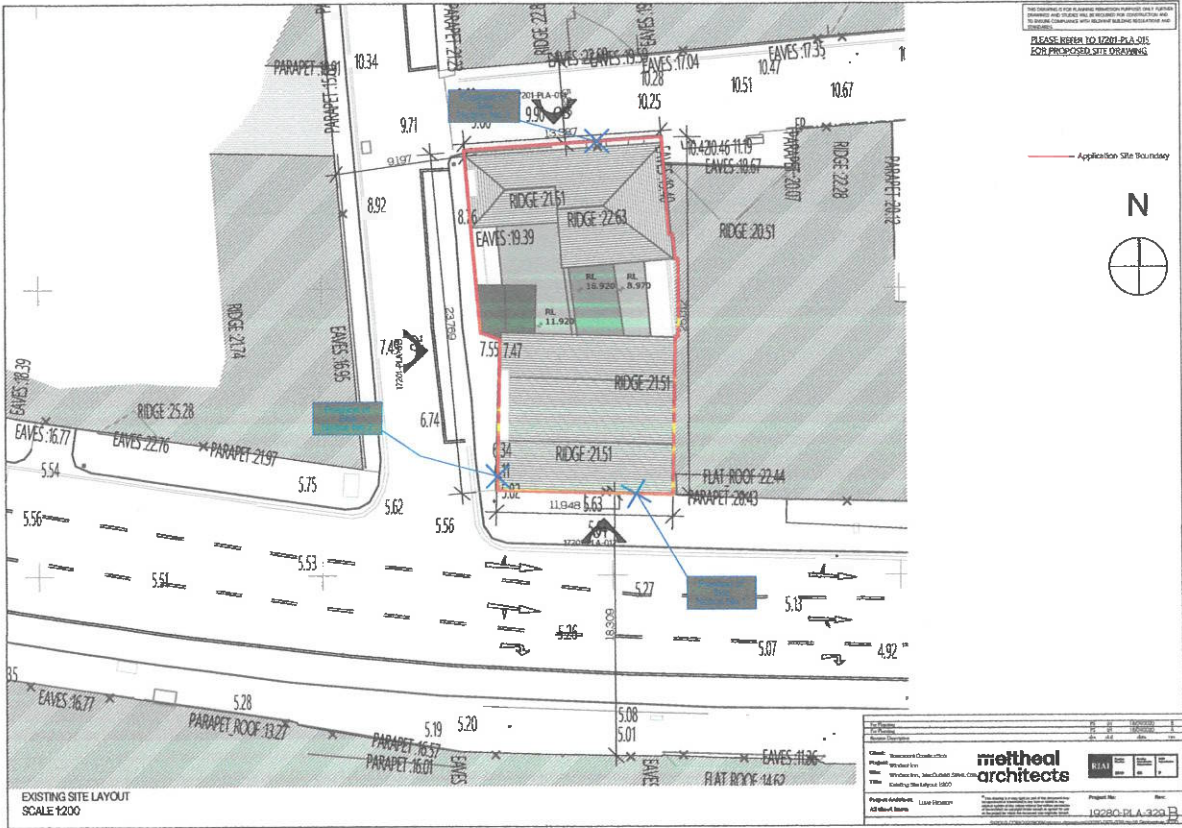
8. Roof Level (Section 5)
1:100



AREA FOR SECTION 5 - NON MATERIAL AMENDMENT

THIS DRAWING IS FOR PRELIMINARY PURPOSES ONLY. ALL DIMENSIONS AND DETAILS ARE TO BE CHECKED FOR CONFORMANCE WITH ALL APPLICABLE REGULATIONS AND STANDARDS.

For Review	15	15	15/09/2021	01
Revision Description	01	01	01	01
Client:	Townworks Construction			
Project:	Whidder Inn			
Site:	Whidder Inn, MacCurtain Street, Otago			
Title:	Proposed Staff Park			
Project Architect:	Luks Hydrox			
AD Planner/Designer:	meitheal architects			
	<small>* This drawing is copyright material of the Architect and is not to be reproduced or used in any form or for any purpose without the prior written consent of the Architect. The Architect shall not be held responsible for any errors or omissions in this drawing.</small>		Project No:	19280-PLA-330
			Drawn:	



AN BORD PLEANÁLA

1 0 NOV 2020

LTR DATED _____ FROM _____

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ABP- _____