

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 15/153**

An Bord Pleanála Reference Number: PL 88.245575

**APPEAL** by Nicola Mac Kenzie of 1 Castlefields, Baltimore, County Cork against the decision made on the 14<sup>th</sup> day of September, 2015 by Cork County Council to grant subject to conditions a permission to Zontide Limited care of The Planning Partnership of 37 Parkview, Church Hill, Passage West, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development to partially demolish a former hotel and associated buildings (demolition totalling 2,991.56 square metres gross floor area), change of use from Hotel Leisure Centre to Community Leisure Facility (520 square metres gross floor area), change of use from hotel accommodation to residential (six number houses and 12 number apartments) including the upgrading and extension of the residential units and ancillary service structures (totalling 1,725.45 square metres gross floor area), known as the Baltimore Harbour Hotel and Leisure Centre.

The proposed development consists of:

1. The partial demolishing of former hotel buildings ranging in height from single to three-storey comprising:

- main hotel building (56 number hotel bedrooms, four number staff accommodation rooms, reception and lounge area, bar and restaurant, dining, sunroom, ball room, kitchen and food preparation area, ancillary storage, plant and equipment) totalling 2,906 square metres gross floor area;
  - ancillary hotel staff accommodation building (48 square metres), and
  - ancillary hotel storage building (27 square metres).
2. The change of use of three buildings from hotel leisure centre and hotel accommodation to community leisure facility and residential respectively, including the upgrading and extension of the residential elements comprising:
- A. Building 1 (three-storey and equivalent in height):
- Change of use from hotel leisure centre with mezzanine floor to community leisure facility (520 square metres and associated access improvements);
  - change of use from hotel accommodation to residential of 12 number apartments (882 square metres gross floor area);
  - upgrading and extension (including elevation and roof changes) of the 12 number apartments to total 979.6 square metres gross floor area;
  - two number bin/bike store and barbeque structures to total 28.9 square metres;
  - reconfiguration of existing surface car park to facilitate a total of 24 number surface car parking spaces (two number disabled 22 number regular); and
  - primary vehicle and pedestrian access will be maintained from the existing entrance from Baltimore Drive.

B. Building 2 (two-storey in height):

- Change of use from hotel accommodation to residential of two number semi-detached houses (177.4 square metres);
- Partial demolition (3.52 square metres). Upgrading and extension including elevation and roof changes) of the two number semi-detached houses to total 235 square metres;
- Reconfiguration of existing surface car park to facilitate a total of two number dedicated surface car parking spaces associated with the two number semi-detached houses; and
- Primary vehicle and pedestrian access will be maintained from the existing entrance from Baltimore Drive.

C. Building 3 (two-storey in height):

- Change of use from hotel accommodation to residential of four number terraced houses (361 square metres);
- Partial demolition (7.04 square metres), upgrading and extension including elevation and roof changes) of the four number terraced houses to total 479 square metres;
- Reconfiguration of existing surface car park to facilitate a total of nine number shared surface car parking spaces associated with the four number terraced houses and one number dedicated surface car parking space;
- Bin store area to total 2.95 square metres; and
- Primary vehicle and pedestrian access will be maintained from the existing entrance from Baltimore Drive.

3. All other ancillary and associated site development works above and below ground level, including enhanced landscaping. The central portion of the subject lands (0.46 hectares approximately) where the majority of the former hotel buildings are located which is proposed to be demolished, will be landscaped with the agreement of the planning authority in the short term and be subject to future appropriate development to be accessed via a new proposed vehicular and pedestrian access from Baltimore Drive, all on a site of approximately 1.08 hectares,

all at the Baltimore Harbour Hotel and Leisure Centre, Baltimore, County Cork.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature, scale and design of the proposed development, to the planning history of the lands, to the general zoning objective for the site, as set out in the current Skibbereen Electoral Area Local Area Plan and to the character of the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the on 6<sup>th</sup> day of August, 2015 and 27<sup>th</sup> day of August, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The residential units, shall be occupied as a place of permanent residence. They shall not be used as second or holiday homes.

**Reason:** To ensure that the proposed residential units are used to meet the stated objective to provide houses for full-time occupancy in Baltimore.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. No vehicular access shall be permitted from the development site to the laneway at the south-western part of the site that shall be confined to pedestrian access only in accordance with the details indicated on Drawing Number 1003 Revision 13 received by the planning authority on the 6<sup>th</sup> day of August, 2015.

**Reason:** In the interest of road safety and amenity.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety

6. 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 interest of visual and residential amenity.

7.
  - (a) The site shall be landscaped in accordance with the details shown on the Landscape Layout Plan Drawing Number 4000 Revision 3 received by the planning authority on the 6<sup>th</sup> day of August, 2015. The said scheme shall be implemented within the first twelve months following the first occupation of the residential units unless otherwise agreed in writing by the planning authority.
  - (b) Landscaping proposals for the western boundary of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of work on site.
  - (c) All planting shall comply with the specifications of the landscaping scheme agreed and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.

**Reason:** In the interest of visual amenity and to protect the residential amenity of properties to the west.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interest of amenity and public safety.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed names.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

13. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays, Bank or 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 residential amenities of property in the vicinity.



14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Any over ground tanks containing liquid fuels shall be contained in a waterproof bunded area of sufficient volume to hold 110 per cent of the value of the largest tank within the bund. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking penstock valve, which shall be opened only to discharge storm water to the interceptor. The developer shall ensure that this valve is locked at all times.

**Reason:** To protect the environment.

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

**Dated this            day of            2016.**