



An
Bord
Pleanála

Board Order PL 28.248613

Planning and Development Acts 2000 to 2017

Planning Authority: Cork City Council

Planning Register Reference Number: T.P. 17/37328

Appeal by John Keane of Millbrook House, Hyde Park, Sundays Well, Cork against the decision made on the 10th day of May, 2017 by Cork City Council to grant subject to conditions a permission to Xiu Lan Hotels Limited care of Hogan Associates of The Lodge, Proby's Quay, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for additions and alterations to the Kingsley Hotel, Carrigrohane Road, Cork to provide an additional 63 number guest rooms, new gym, administration offices and meeting rooms. The works include: change of use of 19 number two bedroom apartments and existing hotel gym to guest rooms, administration offices and meeting rooms, together with all associated storage and service areas: guest room extension and new rooftop terrace at fourth floor level of former apartment building; change of use of existing parking garages to gym; construction of single storey extension to southern elevation; construction of first floor walkway to northern elevation linking former apartment building with hotel; elevational alterations to existing apartment building including modifications to existing fenestration, replacement of existing balcony guarding, new glazed sections to ground floor, the addition of cladding to facades and new signage panel to south west corner; enlargement of existing windows on southern façade of main hotel; new landscaping to entrance and gym courtyard and modifications to existing wall and railings to Carrigrohane Road.

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 zoning objectives of the current Cork City Development Plan, 2015-2021 for the area and to the current use of the site, the pattern of development in the area and to the overall scale, design and height of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, and 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, 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 proposed development shall be modified as follows:
 - (a) revised southern and western elevations, reducing the size and scale of the cement board cladding at the south-western corner of the western block, so that it is not higher than the top of the third floor (below the line of the balconies at fourth floor level), and
 - (b) the signage located on the cladding at this point shall be reduced in height and size in line with this reduction.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting the character of the area and visual amenity.

3. The use of internally illuminated lettering shall not be permitted.

Reason: In the interest of visual amenity.

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.

Reason: In the interest of visual amenity.

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

Reason: In the interest of the visual amenities of the area.

6. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. Full details of the vehicular and pedestrian access to serve the proposed development shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

8. Car parking shall be provided in accordance with Cork City Development Plan standards. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, full details of car parking provision.

Reason: In the interest of orderly development.

9. Water supply and all 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 and to ensure a proper standard of development.

10. Prior to commencement of development, a landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. The developer shall ensure that prior to commencement of development, details of a Traffic Management Plan during the construction phase, shall be submitted to the planning authority for written agreement.

Reason: In the interest of development control and traffic safety.

13. 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.

14. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

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

Dated this day of 2017