

An  
Bord  
Pleanála

## Board Order ABP-318672-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority:** Cork County Council

**Planning Register Reference Number:** 23/4236

**Appeal** by Denis Calnan of The Farm, Lehenaghmore, County Cork against the decision made on the 22<sup>nd</sup> day of November, 2023 by Cork County Council to grant permission subject to conditions to Tulsan Limited care of Keystone Planning Consultancy of Rossbrin, Frankfield View, Old Youghal Road, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for the retention, modification and completion of a partially completed aparthotel which includes the construction of 20 hotel bedrooms, a bar, a restaurant and 24 apartments for short term letting ranging in height from three to four storeys over basement. The application follows a number of similar planning permissions on site under planning register reference numbers 21/5276, 18/6611, 13/4486, 08/7234, 04/9743 and 02/2828. The basement and steel superstructure of the southern 'apartment wing' have been constructed with some modifications to the previously permitted design, the total area constructed constitutes 1,962.03 square metres. The proposed development is largely similar to that previously permitted with some simplifications to the elevations, replacement of permitted external stair and lift cores with internal cores, covered balcony projections to the front elevation, changes to the finished floor levels, floor heights, eaves heights and ridge heights and change to the building footprint as a result of works completed to date. Permission for the construction of necessary upgrades to current

wastewater treatment system, two number surface car parks providing 58 number spaces, drainage works, landscaping and boundary treatments, bin storage, pedestrian crossing, surface treatments and all ancillary site development works at Garrettstown Strand, Coolbane, Kinsale, 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.**

## **Reasons and Considerations**

Having regard to the location of the proposed development and the development proposed to be retained within a strategic policy area under the Cork County Development Plan 2022-2028, to the pattern of development in the area, to the location of the development within a high value landscape next to a designated scenic route, to the planning history of the site, to the design and layout of the development within an unfinished site, and to the proposed upgrade of an existing wastewater treatment plant, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the residential or visual amenities of the area, including from the protected views and prospects from the scenic route S67 to the sea and Courtmacsherry Bay, and would not be prejudicial to public health. It is, therefore, considered that the proposed development and development proposed to be retained would be in accordance with the policies and objectives of the development plan, including in particular objectives RP 5-27 (holiday home accommodation), TO 10-10 (tourist facilities), TO 10-11 (tourist accommodation), GI14-9(a) (landscape), GI 14-12 (general views and prospects), GI 14-13 (scenic routes), ZU 18-20 (special policy area) and X04, hotel/tourist accommodation and would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of October 2023 and the 14<sup>th</sup> day of September 2023, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2.
  - (a) The entire complex shall be retained in single ownership.
  - (b) The proposed aparthotel apartment units shall be used only as short-stay tourist accommodation, with a maximum occupancy period of two months. The aparthotel units shall not be used as independent self-contained permanent residential units or student accommodation.

**Reason:** In the interest of orderly development and to protect residential amenities.

3. Details and samples of the materials, colours and textures of all the external finishes to the proposed development, including pavement finishes, 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.

4.
  - (a) A landscape scheme shall be submitted to the planning authority for written agreement prior to commencement of the development. Such scheme shall reduce the surface area of the hard surfaced external front

terrace and replace with an area of soft landscaping between the proposed footpath and proposed terrace.

- (b) The landscaping scheme agreed under 4(a) above shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

- 5. Prior to commencement of development, an ornithological plan shall be submitted to the planning authority for written agreement which details measures to be implemented to manage impacts on breeding Chough during site preparation works and the construction phase. The agreed plan shall be directed and supervised by an appropriately experienced ecologist.

**Reason:** To protect for the continued occurrence of Annex I and amber listed Chough within the development site.

- 6. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water from the site shall discharge onto the public road.
- (b) All surface water during the construction phase shall be managed in accordance with the submitted stormwater management plan.

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

7. (a) The wastewater treatment plant and disposal system shall be installed in accordance with the standards set out in the document entitled "Wastewater Treatment Manual Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" – Environmental Protection Agency (EPA), 1999.
- (b) Details of the feature that will restrict discharge to periods of high tide only, including adequate storage, shall comply with the detailed requirements of the planning authority and such details shall be submitted to the planning authority for their written agreement prior to commencement of development.
- (c) Details of the grease trap to be provided within the curtilage of the site shall be submitted to, and agreed in writing, with the planning authority prior to commencement of the development.
- (d) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (e) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of three years and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

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

8. 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 residential amenities of property in the vicinity.

9. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety, and environmental protection.

10. Prior to commencement of the development, the developer shall submit to the planning authority for their written agreement, plans and particulars that include for the recommendations set out in the submitted Inclusive Mobility Audit report, detailed construction drawings of two number table top crossing points over entrances, traffic calming measures along the public road frontage, pedestrian priority crossing point between the development and existing steps to beach, footpaths and advance warning signs and road markings. The development shall be completed in accordance with these agreed plans and particulars.

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

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. 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/installation of lighting. Such lighting shall be provided prior to the operation of the development.

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

13. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

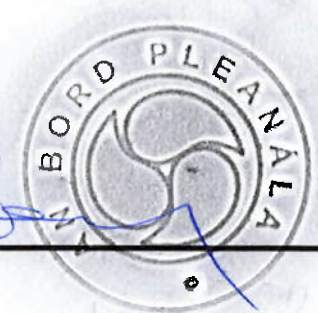
15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual amenity.



16. 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

**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 9<sup>th</sup> day of October 2024