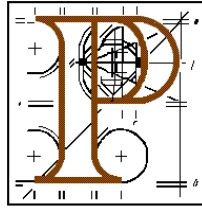


An Bord Pleanála



INSPECTOR'S REPORT

DEVELOPMENT: Change of use from hotel to 6 no. houses and 12 apartments

LOCATION: Baltimore Harbour Hotel, Baltimore, Co. Cork

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/153

Applicant: Zontide Limited

Type of Application: Permission

Planning Authority Decision: Grant with Conditions

PLANNING APPEAL

Type of Appeal: Third Party

Appellant(s): Nicola Mac Kenzie

Observers / Public Reps: None

DATE OF SITE INSPECTION: 7th January 2016

INSPECTOR: Mary Crowley

1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site with a stated area of 1.08 ha is located close to the centre of Baltimore on the eastern approaches to the village and comprises the former Baltimore Harbour hotel and leisure centre. As noted on day of site inspection the hotel is inactive and is in a state of disrepair. The hotel is surrounded by a relatively busy leisure centre, annex apartment complex and several annex residences which were constructed at various stages. According to the application the hotel operation is no longer economically viable and the entity is now defunct. There are several access points to the site; three access points including the main access from the eastern boundary along Baltimore Drive; a narrow vehicular / pedestrian access point from the south and a further gated access point from the adjoining Castlefields residential development. The immediate area is characterised as generally residential.

1.3 A set of photographs of the site and its environs taken during the course of both site inspections is attached. I also refer the Board to the photographs of the appeal site and environs available to view throughout the appeal file.

2.0 PROPOSED DEVELOPMENT

2.1 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 no hotel bedrooms, 4 no staff accommodation rooms, reception and lounge area, bar and restaurant, dining, sunroom, ballroom, kitchen and food preparation area, ancillary storage, plant and equipment) totalling 2906 sq m Gross Floor Area;
- Ancillary Hotel Staff Accommodation Building (48 sq m) and
- Ancillary Hotel Storage Building (27 sq m).

(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 to 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 sq m) and associated access improvements;
- Change of use from Hotel Accommodation to Residential of 12 no apartments (882 sq m Gross Floor Area);
- Upgrading and extension (incl elevation and roof changes) of the 12 no

Apartments to total 979.6 sq m Gross Floor Area;

- 2No. Bin/Bike Store and barbeque structures to total 28.9 sq m;
- Reconfiguration of existing surface car park to facilitate a total of 24 no surface car parking spaces (2 no disabled 22 no 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 2 no Semi Detached Houses (177.4 sq m);
- Partial Demolition (3.52 sq m), upgrading and extension (including elevation and roof changes) of the 2 no Semi Detached houses to total 235.sq m;
- Reconfiguration of existing surface car park to facilitate a total of 2 no dedicated surface car parking spaces associated with the 2 no 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 4 no Terraced houses (361 sqm)
- Partial Demolition (7.04 sq m), upgrading and extension (including elevation and roof changes) of the 4 no Terraced Houses to total 479 sq m;
- Reconfiguration of existing surface car park to facilitate a total of 9 no shared surface car parking spaces associated with the 4 no Terraced Houses and 1 no dedicated surface car parking space
- 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 ha 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.

2.3 With regard to the applicants legal interest in the site (Q11 of the application form refers) it is stated that a portion of land (leisure centre) is not in the applicants ownership. The application was accompanied by a letter from Baltimore Community Leisure Limited confirming consent to the lodgement of a planning application.

- 2.4 The gross floor space of existing buildings on site is 4,921.4 sq.m. The gross floor space of proposed works is 315.61 sq.m. The gross floor spaces of work to be retained is 1,940.4 sq.m (existing hotel accommodation units and leisure centre subject to change of use). The gross floor space of any demolition is 2,991.56 sq.m.
- 2.5 It is proposed to provide 30 car parking spaces (2 per dwelling / apartment). This figure excludes the leisure centre parking.
- 2.6 The development will be served by an existing connection to the public mains, public foul mains and public sewer / drain.
- 2.7 With regards to compliance with Part V the applicant confirms that on receipt of a grant of planning permission they will enter into an agreement to comply with the Cork County Development Plan 2015 – 2021.
- 2.8 The application was accompanied by the following reports:
- Demolition Criteria: Information to be Addressed in Construction and Demolition Plan
 - Services Report for Planning Purposes
 - Cover Letter
 - Planning Report that addresses inter alia Appropriate Assessment.
- 2.9 The response to the **further information** request was prepared and submitted by the Planning Partnership on behalf of the applicant (6th August 2015). The applicant states that the responses has involved amendments to the design and layout of the proposed development and associated landscaping. The further information responses may be summarised as follows:
- **Sightlines & Visibility** – details demonstrating site visibility at entrance to 12 apartments (archway), details demonstrating site visibility at entrance to 6 house,
 - **Private entrance at southern part of the site** – only pedestrian permeability is proposed through the site so as to allow for easier controlled pedestrian access to the community leisure facility village. This is managed by means of a controlled pedestrian access only gateway (revised drawings refer).
 - **Parking Layout & Landscaping** - Revised parking arrangements associated with the apartments and leisure centre component of the proposed development. Access to the leisure centre to be maintained through the existing archway. Pedestrian access will be maintained through the site, linking the leisure centre with the wider village of Baltimore. Boundary proposals in the area of the apartments and leisure centre compromise 1 meter high galvanised steel posts and rails with hedging planted.

- **Details of Temporary Fencing** - Various boundary details submitted with specific attention on the eastern street scene along Baltimore Drive
- **Taking in Charge** – Submitted that it is intended that no part of the proposed development is proposed to be taken in charge by the Planning Authority.
- **Tree Species** - Landscape details specifying tree and planting species submitted.
- **Public Garden** – Submitted that the open space / garden areas as identified will be used as communal open space exclusively by the residents of the apartments.
- **Drainage & Associated Water Infrastructure** – Submitted that there is no additional increase in use of the public sewer and with the removal of the hotel it is anticipated that the overall load on the public system shall be reduced.
- **Waste Water Network Survey** – In relation to the six houses the existing foul sewer drain was found to be in good condition and is to be reused with the associated reconstruction of the final private manhole. The remainder of the drainage network is to be replaced as originally proposed as per details submitted to the planning authority on 24th March 2015. In relation to the apartment block, the existing foul sewer drain was found to be in poor condition and its replacement is proposed as part of the proposed development works. The remainder of the drainage network is to be replaced in its entirety.
- **Water Infrastructure Details** – In relation to the six houses details associated with pipe locations, sizes, location of water meters and the hydrant to be provided as per McCormick Consulting Engineers details. In relation to the apartment block, a new water main is to be provided with new individual supplies / water meters for each apartment as per McCormick Consulting Engineers details
- **Waste Management Plan** - Waste Management Plan submitted

2.9 The further information was accompanied by the following:

- Drawings detailing amendments
- Services Report prepared by McCormick Consulting Engineers detailing with drainage, water supply and sight distances
- Waste Management Plan prepared by Brian O 'Kennedy & Associates Ltd Consulting Engineers

2.10 The response to the **clarification** request was prepared and submitted by the Planning Partnership on behalf of the applicant (27th August 2015). The applicant states that the response has not involved amendments to the design and layout of the proposed development and associated landscaping as submitted to the Planning

Authority on 6th August 2015 (further information). The clarification response may be summarised as follows:

- **Parking Requirements** – submitted that parking provision is in excess of the Cork County Development Plan 2014 standards (Appendix D refers)
- **Parking Layout, Landscaping and Surface Treatment** – submitted that car parking area are presented as two distinct areas, separated by means of landscaping as to avoid a sea of surface car parking and enhance the visual amenity of the overall development
- **Car Parking Space Sizes and Circulation** – submitted that the car parking space sizes and circulation aisle are in compliance with the minimum requirements detailed by the Cork County Development Plan 2014
- **Vehicular Access though the Apartments** – submitted that the use of a single entrance to the residential and leisure component parking area will provide added surveillance due to usage and improve security. In addition, the leisure centre component benefits from an existing right of way across the apartment carpark area as was detailed throughout relevant site layout drawings forming part of this planning application documentation.

3.0 OBJECTIONS / OBSERVATIONS / PUBLIC REPRESENTATION TO THE PLANNING AUTHORITY

3.1 There are two objections recorded on the planning file from (1) Nicola Mac Kenzie on behalf of her father Stephen Mac Kenzie and (2) Baltimore Harbour Community Leisure Centre Ltd. The issues raised may be summarised as follows:

3.2 Nicola Mac Kenzie

- The Hotel was a valuable source of employment.
- Obtaining a status of “reserved for future development” through this planning application will give carte blanche to the applicant for an ad hoc piecemeal development which is not in the interests of the overall village and should not be permitted
- The proposal that the currently closed off road to Castlefields be reserved for access for future development creates uncertainty and should not be incorporated into the current planning application.
- The current height restriction of the hotel and its footprint will be removed if permission is granted possibly making way for a much taller development
- The leisure facility is all but in name a community facility and therefore does not constitute the provision of new community services as is a requirement of Objective DB-01 of the Skibbereen Electoral Area Local Area Plan 2011.

- A preferable solution would be to provide new bona fide community facilities in the open space created by the proposed demolition of the hotel.
- The scheme should be assessed as though they are new with regard to the 12 unit house limit.

3.3 Baltimore Harbour Community Leisure Centre Ltd

- Leisure facility owned by Baltimore Harbour Community Leisure Centre Ltd
- The applicant is not providing the community with a facility (i.e. leisure centre).
- The leisure centre has been run effectively by the community for the last 6 years through the Baltimore Harbour Community Leisure Centre Ltd who purchased the leisure centre complex in 2014.
- Any proposed access improvements to the community leisure facility should comply with disabled access and escape.
- Assurance that proposed trees in front of windows will not block natural light to the swimming pool
- Separation distance to be conditioned
- There is no agreement in place to relinquish the right of way to provide car parking
- Full access to the leisure centre and car parking spaces should be maintained during any building and renovation works.

4.0 TECHNICAL REPORTS

4.1 The **Inland Fisheries Ireland** has no objection provided Irish Water signifies there is sufficient capacity in the public sewer.

4.2 The **Heritage Unit** report notes that the site is located to the rear of Freke Terrace, three properties of which are included in the National Inventory of the Architectural Heritage. The report states that the current proposal is likely to improve the situation in so far as it will provide a better quality built environment. There is no objection to permission being granted.

4.3 The **Estates Section** in their primary report notes that *the site is not deemed to be at risk of flooding i.e. the site is located outside Flood Zone A and B, as illustrated on the current Local area Plan Settlement Map for Baltimore*. The report further states that *the proposal will vastly improve the appearance of what is currently a dilapidated site which has deteriorated significantly since the closure of the hotel business*. The Estates Primary recommends that the following further information be sought:

(1) Water Supply – applicant to submit an “as-constructed” layout plan of the watermain serving the existing development and the suitable locations for individual water meters to serve the 18 no homes and apartments

(2) Parking - applicant to submit amended proposals for the car parking areas.

Consideration also to be given to providing a dedicated and separate entrance and road to the north of the leisure centre for access / egress to the leisure centre parking area.

(3) Maintenance of Common Areas - applicant to submit proposals for the maintenance and upkeep of the common area associates with the 12 no apartments

4.4 The **Estates Section** having considered the further information have no stated objections to the proposed development subject to a condition requiring that a management company shall be legally incorporated to provide maintenance of the roads, utilities and amenities and that this *management company shall be responsible and fully liable for the provision and ongoing maintenance of the common areas associated with the development permitted under planning reg. no. 15/153.*

4.5 The **Engineers Section** in their first report recommended that the following information be sought:

(1) Proposal to provide adequate parking for the patrons and staff of the leisure centre, including calculations for the parking to be provided and parking controls i.e. signage, warning notices etc.

(2) Revised drawings showing compliance with sight visibility requirements at two entrances on Baltimore Drive

(3) The access though the southern entrance shall be restricted by the erection of a permanent boundary to preplace the “proposed temporary security fence and access gateway to future development area”.

4.6 The **Engineering Section** having considered the clarification recommended that permission be granted in accordance with a number of conditions relating to site sight distances, car parking provision and demarcation, vegetation, dishing of footpaths, reinstatement, damage caused by construction traffic during development works shall be repaired, roadside drainage arrangements, all buildings shall be constructed so that access and facilities are provided for disabled persons and surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to soakpits/drains.

4.7 The **Environment Section** noted in their first report that the demolition works will generate a large quantity of construction and demolition waste and should be recycled on site or if taken off site to a licensed waste recycling facility. It was recommended that Waste Management Plan be provided in order to fully assess the application.

- 4.8 The **Environment** Report having considered the further information stated that the Waste Management Plan was acceptable and has no stated objections to the proposed development subject to conditions relating to construction and demolition works, hazardous and / or contaminated wastes, construction noise levels, odour or dust nuisance occurs, over ground tanks containing liquid fuels to be contained in a waterproof bunded area and that external lighting and floodlighting shall be cowled and directed away from any light sensitive point
- 4.9 The **Environment Report** having considered the response to clarification has no objection to the granting of planning permission and refers to their previous report of 17th August 2015.
- 4.10 **Irish Water** in their recommended that the following further information be sought:
- Wastewater – Survey of the foul drainage system to be retained
 - Water – Details of the existing pipework arrangement; locations of existing / proposed connections to existing / new watermains and also metering locations
- 4.11 **Irish Water** having considered the clarification response has no stated objection to the proposed scheme.
- 4.12 There are several **Local Authority Planners** reports on the file, some of which appear to be copies and endorsements of the primary case Planners reports. The main points of these comprehensive reports may be summarised as follows:
- 4.13 The Local Authority Planners in the first report (x2) of 14th May 2015 requested the following further information as summarised:
- Sightlines & Visibility
 - Private entrance at southern part of the site
 - Parking Layout & Landscaping
 - Details of Temporary Fencing
 - Taking in Charge
 - Tree Species
 - Public Garden
 - Drainage & Associated Water Infrastructure
 - Waste Water Network Survey
 - Water Infrastructure Details
 - Waste Management Plan
- 4.14 The **Local Authority Planners** in the second report (x2) of 20th August 2015, having considered the further information requested clarification relating to parking requirements, parking layout, landscaping and surface treatment, car parking space

sizes and circulation and vehicular access through the apartments.

- 4.15 The Local Authority **Planners** in their third and final report (x2) of 10th September 2015 and having considered the clarification response recommended that permission be granted subject to 25 conditions. The final report also states that no development charges are applicable as essentially the proposals do not result in any net increase in floor area.
- 4.16 The notification of decision to **grant** planning permission issued by Cork County Council reflects the recommendation of the Planner.

5.0 PLANNING AUTHORITY DECISION

5.1 Cork County Council issued notification of decision to **grant** planning permission subject to 25 conditions summarised as follows:

1. Development shall be carried out in accordance with plans and particulars lodged with the Planning Authority
2. Materials of the development shall be constructed in strict accordance with the approved plans
3. Site sight distances shall be provided as detailed on the drawings 131127-PL-08 and 131127-PL-09
4. 18 on site car parking spaces shall be provided to cater for the residential apartments and 22 on-site parking spaces shall be provided to cater for the Leisure Centre in accordance with Drawing Number 1010/2/FI
5. Car parking demarcation together with fingerpost signage, shall be made available before the first occupation of the residential units
6. Vegetation or any structure shall not exceed 1.0 metre in height within the sight distance triangle.
7. Footpath at entrance shall be dished
8. Footpath shall be re-instated at developer's expense
9. No vehicular access shall be permitted from the development site to the laneway and that shall be confined to pedestrian access only
10. Damage caused by construction traffic during development works shall be repaired

11. Existing roadside drainage arrangements shall be preserved
12. The site shall be landscaped in accordance with the details shown on the Landscape Layout Plan Drawing Number 4000 Revision 3
13. All planting shall comply with the specifications of the landscaping scheme
14. Bilingual, or Irish only, name(s) of local significance, for the proposed development shall be submitted for the agreement together with
15. Section 96 of the Planning and Development Act, 2000 contribution
16. A management company shall be legally incorporated to provide maintenance of the roads, utilities and amenities
17. All buildings shall be constructed so that access and facilities are provided for disabled persons.
18. Construction and demolition works
19. Hazardous and / or contaminated wastes
20. Construction noise levels
21. Odour or dust nuisance occurs
22. Any over ground tanks containing liquid fuels shall be contained in a waterproof bunded area
23. External lighting and floodlighting shall be cowled and directed away from any light sensitive point
24. Surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to soakpits/drains
25. No residential unit shall be occupied until the water and sewage services are installed and functioning

6.0 PLANNING HISTORY

- 6.1 There is evidence of two previous appeals on this site that may be summarised as follows:

PL04.102961 (Reg Ref W/97/668) – A decision by Cork County Council to grant permission for the construction of annexe aparthotel in 2 no. blocks on hotel grounds at Baltimore Harbour Hotel, Baltimore, Co. Cork was appealed by a third party to An Bord Pleanála. The Board refused permission.

PL04.112662 (Reg Ref W/98/2346) – A decision by Cork County Council to grant permission for the construction of 6 no. holiday homes for short term letting at Baltimore Harbour Hotel, Baltimore, Co. Cork was appealed by a third party to An Bord Pleanála. The appeal was subsequently withdrawn.

6.2 There is evidence of a previous appeal on the adjoining residential estate (Castlefields) that may be summarised as follows:

PL04 209883 (Reg Ref 04/7218) – A decision by Cork County Council to grant permission for the revision of house design for houses nos. 5, 6, 7 and 9 and change of orientation for house no. 5 at Castlefields, Baltimore Road, Baltimore, Co. Cork was appealed by a third party to An Bord Pleanála. The Board granted permission with revised conditions.

6.3 The Local Authority Planner in their reports sets out the following planning history pertaining to the appeal site:

- **Reg Ref 00/5894** - Construction of 6 hotel holiday suites granted on the 3rd January 2001
- **Reg Ref 98/2346** - Construction of 6 hotel holiday suites for short term letting granted on the 2nd December 1999. This decision was appealed (see above).
- **Reg Ref 97/563** - Construction of annexe aparthotel in 2 three storey blocks with central archway entrance to hotel grounds granted on the 1st July 1997
- **Reg Ref 97/562** - Renovations and conversion of former fishery school building as swimming pool and leisure block granted on the 1st July 1997
- **Reg Ref 94/3401** - Construction of 10 additional bedrooms at second floor level and replacement of windows on north elevation in the west bedroom wing granted on the 18th January 1995

7.0 POLICY CONTEXT

7.1 The operative plan for the area is the **Cork County Development Plan 2014** and the **Skibbereen Electoral Area Local Area Plan 2011**. The appeal site lies within the designated settlement boundary of Baltimore. The general zoning objective for

Baltimore is set out in **Objectives DB-01**. Sections of Objectives DB-01 that are relevant to his appeal are as follows:

- a. *Within the development boundary of Baltimore it is an objective to encourage the development of up to 85 houses (including 25 permitted units) for full-time occupancy in the period 2010 – 2020. In order to secure the population growth and supporting development proposed in DB-01, appropriate and sustainable water and waste water infrastructure that will secure the objectives of the relevant River Basin Management Plan and the protection of Roaring Water Bay and Islands Special Area of Conservation, must be provided and be operational in advance of the commencement of any discharges from the development. Waste water infrastructure must be capable of treating discharges to ensure that water quality in the receiving river does not fall below legally required levels. Sustainable Urban Drainage Systems (SUDS) and sufficient storm water attenuation will be required for developments within this area.*
- b. *The number of houses in any particular individual scheme should have regard to the scale and character of the existing village and will not normally exceed the provision of up to 12 units. Development on steeply sloping and elevated sites should be avoided and development should be sensitively designed to have due consideration to the topography and visual and scenic amenities of the area.*
- c. *Any proposal for development within the village core will need to preserve and enhance the architectural character of the area and should be of an appropriate scale, form and material finish.*
- j. *Any new residential development should be accompanied by the provision of appropriate community and social facilities concurrent with development.*

7.2 The appeal site is not identified as being within an area susceptible to flooding (settlement map refers). It is noted from the local authority planners report that the proposed development is located to the rear of Freke Terrace and that three of these properties are included in the National Inventory of the Architectural Heritage.

8.0 GROUNDS OF APPEAL

8.1 The third party appeal has been prepared and submitted by Nicola Mac Kenzie, No 1 Castlefields, Baltimore against the decision of Cork County Council to grant permission. The issues raised may be summarised as follows:

8.2 Areas identified for “future development” within the proposed scheme creates uncertainty for the future amenity of adjoining neighbours and is contrary to the

proper planning of the site. Submitted that the implications of which were not adequately considered by the Local Planning Authority. Particular attention is drawn to the following

- Creates difficulty for any planning authority in terms of assessing the overall impact of the development in relation to social housing, density, overlooking, access, open space and sea views
- Policy DB-01(b) states that *the number of houses in any particular individual scheme to not normally exceed the provision of up to 12 units*. Submitted that once permission is granted for these 18 units, that the next phase will be claimed to be an entirely separate application which the applicant could argue is a “new development” and therefore be within the 12 units allowed.
- Policy DB-01(b) also states that *development on steeply sloping and elevated sites should be avoided*. Submitted that the hotel is located on an elevated site and that if the hotel is removed it may possibly make way for a much taller development on high ground which has the potential to overlook and overshadow the appellants property.
- Concern is raised with proposals to temporarily fence the currently closed off road leading to Castlefields in terms of security / crime and that Castlefields may become a short cut to a potentially very significant populated area.
- It is suggested that the developers already have an overall vision for the site which would involve a higher number and density of housing units than the proposed 18 and that there is a very deliberate strategy of seeking permission over a phased basis.

8.3 Condition No 12 (landscaping) requires the use of Landscape Layout Plan drawing number 4000 Revision 3. However this map does not include the mature hedgerow which has grown up between the boundaries that provides important privacy from overlooking. Without inclusion this has the potential to be removed prior to the next application for the next development phase on site.

8.4 The setting aside of objectives and policies contained in the Skibereen Local Area Plan 2011 by the Local Planning Authority in order to facilitate this development sets an undesirable planning precedent for the village and is contrary to the proper planning and development of the area.

8.5 Reference is made to Section 5.1 of the LAP and Policy DB-01(j) that states that *any new residential development should be accompanied by the provision of appropriate community and social facilities concurrent with development*. It is submitted that adjacent to the site and in spite ownership is the former hotels swimming pool. This

is open to the public and is already a valuable community facility. It is submitted that it has been accepted by the Planning Authority that the applicant can change the use of an existing facility and that will be sufficient to get over the requirements of the LAP.

8.6 The applicant further argues that no development contributions are payable. This was also accepted by the planning authority.

8.7 It is noted that the applicant sought to have the requirement of permanent residency removed as part of any grant of permission. The planners report recommended that the permanent occupation of this development should not be pursued. As the requirement for non-permanent occupancy has been set aside it is submitted that this sets a precedent for other developments in Baltimore and for the next phase of development at this site.

9.0 RESPONSE OF THE PLANNING AUTHORITY

9.1 Cork County Council in their response to the third party appeal may be summarised as follows:

- This application has been carefully considered and included a significant pre-planning discussions and input at senior management level in terms of advising not to impose any occupancy restriction on the units of accommodation.
- That just one single letter of adverse representation was received to the scheme while it was being considered by the Planning Authority *speaks volumes*.
- Having considered that appeal submission the Planning Authority has no wish to alter or amend its previously held and stated views on the matter and the recommendation to grant permission subject to 25 conditions which were carefully considered and drafted
- Any further proposed development on lands identified for “future development” would be required to be determined on its merits having regard to the development plan and all other material considerations including the planning history.
- A refusal of permission, which cannot be justified, would simply breed further decay should the current building remain in situ. Reference is made to the “superstructure” at the water’s edge to the north of the site that has remained static since 2006 reflecting the “fragile economic circumstances that still pertain at Baltimore Village”.

10.0 FIRST PARTY RESPONSE TO THE APPEAL

10.1 The first party response to the third party appeal has been prepared and submitted by The Planning Partnership on behalf of the applicant and may be summarised as follows:

10.2 **Validity of Appeal** – The appellant, Nicola Mac Kenzie is not party to the planning process as no submission of observation was made by Nicola Mac Kenzie within the 5 week period after lodgement of the Planning Application on 24th March 2015. Noted that a submission / observation was however made by Stephen Mackenzie within the 5 week period. Nicola Mac Kenzie, the author of this submission / observation acted as “agent” on behalf of Stephen Mackenzie, who is the owner of No 1 Castlefields, Baltimore. Having regard to Section 37 of the Planning and Development Act (as amended) An Bord Pleanála is requested to invalidate the appeal.

10.3 **Improvement of existing structures and tidying up of redundant hotel site -**

- The lands in question are currently dominated visually by the redundant hotel which is in a state of disrepair. The hotel is surrounded by a leisure use, annex apartment complex and several annex residences constructed at various stages as the site evolved.
- In outlining the rationale for the proposal no new construction is proposed, but rather improvement to existing structures and in effect, a tidying up of the site application area which will lead to a more legible and coherent site. The existence of the structures for which we are seeking a change of use are already connected to local services and so are fully accounted for in terms of local capacity of water provision and wastewater treatment.
- The proposed renovations to the residential units (12 no apartments and 6 no houses) will improve their outward appearance but will also render them suitable for full time occupancy, thereby justifying the applicants application for their change of use from hotel to residential and providing a credible option for local housing.
- In addition the demolition of the disused hotel structure tidy-up the site, increase connectivity to the village and pave the way for a more sustainable development of the site the future. The removal of the unsightly structures from the what is a prominent site in the village and the enhancements to the residential buildings will have appositive effect on the character and scenic amenity of the area.
- Furthermore by maintaining the leisure centre and changing its use form hotel to community based use, the proposal will successfully meet the objective of the LAP by providing for community and social facialities.

10.4 **Area Reserved for Future Development** – Reference is made to the Local Authority Planners Report. It is submitted that the appellants overwhelming concern relates to the potential impact of future development associated with the area identified for future development. Any future development proposals associated with the lands left vacant after the demolishment of the hotel and associated buildings will be subject to a separate planning application and will be considered on its own merits.

- 10.5 **Impact on Residential Amenity (removal of screening)** – Having regard to the proposed development and associated mitigating landscaping proposals as granted permission subject to 25 conditions including Condition No 12 (compliance with landscape proposals) it is considered that the proposed development would not have significantly increased impact on associated residential amenity than the current scenario. Requested that Condition No 12, as formulate by the Planning Authority be retained in any grant of permission.
- 10.6 **Skibbereen Electoral Area Local Area Plan 2011** – With regard to General **Objective DB-01(a)** (full time occupancy) it is submitted that the proposed redevelopment of the residential components of this redundant Baltimore Harbour Hotel does not constitute new development as these units did form part of the overall facilities. The change of use the existing 12 no apartments and 6 no houses from hotel to residential will be default be for the purposes of full-time occupancy. Attempts to enforce the full time occupancy status is non-practical. With regard to General **Objective DB-01(b)** (max 12 units on individual site) it is submitted that this objective relates to development of new housing and that this scheme comprises the redevelopment of the existing development associated with the now defunct hotel. This is a brownfield site. The application for permission merely seeks a change of use. With regard to General **Objective DB-01(j)** (community and social facilities) it is submitted that this objective relates to the requirement associated with new residential development. The applicant is seeking the change of use of the leisure centre from hotel to community use. The provision of additional / competing community facilities at this location could result in an overconcentration / supply of facilities which could be considered to be unsustainable having regard to the population threshold of Baltimore. Overall the applicant is satisfied that the proposed development fully complies with General Objective DB-01(a), (b) and (j).
- 10.7 **Development Contribution Requirements** – The fact that the proposal does not result in any net increase in floor area, we are of the opinion that the payment of Development Contributions are not applicable in this instance have regard to the payment of contributions which was made originally associated with the development of the redundant hotel and leisure centre development. The change of use of the leisure centre would be considered exempt from contributions owing to the fact that it is proposed to change it so a community recreational uses to be used by the inhabitants of the locality.

11.0 OBSERVATIONS TO AN BORD PLEANÁLA

- 11.1 None recorded on the appeal file

12.0 ASSESSMENT

12.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my site inspection of the appeal site together, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Residential Amenities
- Traffic Impact & Car Parking
- Leisure Centre
- Future Development
- Other Issues

13.0 PRINCIPLE / POLICY CONSIDERATIONS

13.1 Permission is sought to partially demolish a former hotel and associated buildings (demolition totalling 2,991.56 sq m Gross Floor Area), change of use from hotel leisure centre to community leisure facility (520 sq m gross floor area), change of use from hotel accommodation to residential (6 no. houses and 12. apartments) including the upgrading and extension of the residential units and ancillary service structures (totalling 1,725.45 sq m gross floor area), all at a site of approximately 1.08 ha

13.2 Under the provisions of the the Skibbereen Electoral Area Local Area Plan 2011 the appeal site lies within the designated settlement boundary of Baltimore. The general zoning objective for Baltimore is set out in Objectives DB-01.

13.3 Objective DB-01(a) states inter alia that *within the development boundary of Baltimore it is an objective to encourage the development of up to 85 houses (including 25 permitted units) for **full-time occupancy** in the period 2010 – 2020.* Further Objective DB-01(b) states that *the number of houses in any particular individual scheme should have regard to the scale and character of the existing village and will not normally exceed the provision of up to **12 units**.*

13.4 With regard to 12 unit restriction on new houses it is my view that it is unlikely that this objective was written with the redevelopment of a redundant hotel and associated accommodation in mind as such an objective would in all likelihood prohibit the redevelopment of the site. It is my view that this objective is aimed at

new build development. The current proposal would see a change of use from hotel to residential taking place for a total of 12 apartments and 6 house. All of the 18 residential units are currently in existence and the application for permission merely seeks a change of use from hotel to residential. On balance, having regard to the nature of the application I agree with the planning authority and the applicant that the proposed development does not constitute a new housing development in this instance. Accordingly I am satisfied that the principle of the proposed change of use is acceptable.

- 13.5 With regard to the permanent occupancy restriction I note from the local authority planners report that Baltimore is already '*top heavy*' with second or holiday homes. The report states that *the 2010 census revealed that Baltimore is one of the most 'top heavy' second home villages in Ireland and a visit during winter months makes this most apparent without the necessary to examine in detail the census returns.* The Planners report further states that it was reported on the 31st August 2012 that:

“ Three in every four of houses in Baltimore are vacant, according to a Central Statistics Office (CSO) report. The Roof over our Heads, which is the fourth of 10 profile reports examining the results of Census 2011, revealed that the West Cork seaside location has the second highest vacancy rates- when including holiday homes, vacant houses and vacant apartments- in the country, with 78% of housing units in the town vacant on Census night, Sunday April 10th last year..... In total, the CSO reported that there was 16,781 vacant houses in Cork County, one tenth of the State total.

- 13.6 As pointed out by the Planning Authority Objective DB-01 reaffirms the commitment to providing '*balanced communities*' in granting permission for new houses for '*full time occupation*'. Having regard to the stated volume of holiday / second homes in Baltimore together with the zoning objective for the area it is recommended that should the Board be minded to grant permission that a condition be attached restricting the use of these residual units to full time occupancy.
- 13.7 Objective DB-01(j) states inter alia that *any new residential development should be accompanied by the provision of appropriate community and social facilities concurrent with development.* The appellants expresses concerns that it has been accepted by the Planning Authority that the applicant can change the use of an existing facility and that this will be sufficient to get over the requirements to provide appropriate community and social facilities.
- 13.8 The appellant submits that adjacent to the site and in separate ownership is the former hotels swimming pool and that, as noted on day of sites inspection, this is open to the public and is already a valuable community facility. However, it is pointed out by the local authority planner that the scheme before the Board includes a change of use of the swimming pool and leisure centre previously attached to the

Harbour Hotel use in order that the swimming pool and leisure centre has the benefit of permission as a standalone development unit. Overall I agree with the applicant that the existence of the former hotel leisure centre on the site allows for significant community gain to occur in tandem with the proposal and that the proposed formal change of use from hotel to community is consistent with the objectives of the Skibbereen electoral Area local Area Plan 2011 for Baltimore.

13.9 As observed on day of site inspection the legacy of the former hotel use has left a decaying village site and without a positive and sustainable intervention the site will continue to deteriorate. Overall I consider the proposed scheme comprising the redevelopment of this brownfield site to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

14.0 RESIDENTIAL AMENITIES

14.1 The appellant notes that Condition No 12 (landscaping) requires the use of Landscape Layout Plan drawing number 4000 Revision 3 but that this map does not include the mature hedgerow which has grown up between the boundaries of the appeal site and the appellants property at No 1 Castlefields. It is submitted that this boundary provides important privacy from overlooking. The appellant is concerned that without inclusion of the existing boundary this has the potential to be removed prior to the next application for the next development phase on site.

14.2 Landscape Layout Plan Drawing Number 4000 Revision 3 indicates inter alia that *existing landscaping to be retained where feasible relative to the demolition and site clearance works proposed and that a comprehensive future proposal for landscaping this portion of the site will accompany future development proposals.* However as pointed out by the appellant there is no hedgerow indicated along the shared boundary. In the interests of clarity it is recommended that should the Board be minded to grant permission that Condition No 12 be amended to include a requirement to submit landscaping proposals for the western boundary of the site for agreement with the planning authority.

15.0 TRAFFIC IMPACT & CAR PARKING

15.1 Given the location of the appeal site together with the layout of the proposed scheme and the established hotel / residential / leisure uses at this location I am satisfied that the vehicular movements generated by the proposed scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. I note the parking arrangements proposed (as amended) and I am satisfied that there is adequate parking provision for the development.

- 15.2 With regard to the provision of access to site via the existing laneway to the south west I agree with the approach of the planning authority and recommended that should the Board be minded to grant permission that the following condition be attached:

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 Rev 13 received by the Planning Authority on the 6th August 2015.

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

- 15.3 Overall I consider the proposal for parking and access to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard.

16.0 FUTURE DEVELOPMENT

- 16.2 I note the concerns raised by the appellant regarding the areas identified for “future development” within the proposed scheme. The appellant draws particular attention to the following:

- The difficulty in assessing the overall impact of the development in relation to social housing, density, overlooking, access, open space and sea views
- Policy DB-01(b) and the stated requirement that *the number of houses in any particular individual scheme to not normally exceed the provision of up to 12 units.*
- Policy DB-01(b) and the stated requirement that *development on steeply sloping and elevated sites should be avoided.*
- Security / crime concerns raise with regard to the temporary fence / closed off road leading to Castlefields.
- Suggested that there is a deliberate strategy of seeking permission over a phased basis.

- 16.3 It is my view that the appellant raises valid planning concerns with the regard to the future development of said lands and I agree with the local authority planner that such a scenario is not ideal. It is also noted that the planner indicates additional issues that may or may not arise as including overshadowing, loss of privacy and amenity etc. However as pointed out by the applicant any future development proposals associated with the lands left vacant after the demolition of the hotel

and associated buildings will be subject to a separate planning application and will be considered on its own merits. Any such an application will be subject to the full rigours of the planning process.

17.0 OTHER ISSUES

- 17.1 **Validity of the Appeal** – In response to the third party appeal that applicant submits that the appellant, Nicola Mac Kenzie is not party to the planning process as no submission of observation was made by Nicola Mac Kenzie within the 5 week period after lodgement of the Planning Application on 24th March 2015. It is submitted that Nicola Mac Kenzie, the author of this submission / observation acted as “agent” on behalf of Stephen Mackenzie, who is the owner of No 1 Castlefields, Baltimore. Having regard to Section 37 of the Planning and Development Act (as amended) An Bord Pleanála is requested to invalidate the appeal.
- 17.2 The submission / observation lodged with the Planning Authority was made by Nicola Mackenzie, No 1 Castlefields, Baltimore on behalf of her father, Stephen MacKenzie who is the owner of No 1 Castlefields, Baltimore. The acknowledgement that issued from Cork County Council was addressed to Nicola MacKenzie, No 1 Castlefields, Baltimore. The appeal lodged with An Bord Pleanála is from Nicola Mac Kenzie, No 1 Castlefields, Baltimore.
- 17.3 As can be seen the submission / observation lodged with the Planning Authority and the appeal to the third party are from the same family (father and daughter) at the same address. It does not in my view appear that the father and daughter have an agent / appellant relationship as normally understood and it is unlikely that they themselves drew that distinction. On balance I do not in this instance consider that there is sufficient grounds to invalidate the appeal, however the Baord may wish to consider this matter further.
- 17.4 **Appropriate Assessment** – As set out the in the Local Authority Planners report the site *at its closet part, lies around 770 meters to the north of the Sheep’s Head to Toe Head SPA (Site code 004156) whilst Roaring Water Bay SAC (Site code 00101) at its closest around 130 metres distance to the north west.* I have noted the information accompanying the planning application. Having regard to the nature and scale of the proposed development (i.e. redevelopment of existing brownfield site) and availability of existing service infrastructure connections (water, sewerage and roads) which will service the site, nature of the receiving environment and proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 17.5 **Development Contributions** – Cork County Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000

(as amended). The Planning Authority was of the view that no development contribution was applicable in this case and therefore no development contribution condition was attached. The Planning Authority based their conclusion and recommendation on the applicants supporting planning application statement that set out the following:

Bases on our calculations above, and the fact that the proposals does not results in any net increase in floor area, we are of the opinion that the payments of Development Contributions are not applicable in this instance having regard to the development contribution which was made originally associated with development of the redundant hotel and leisure centre development.

17.6 In this regard I refer the Board to the Section 2.6 of the Planning Report accompanying the planning application. The Board will also be aware that Section 48(3)(b) makes provision for reduced contributions where development is already in existence. Overall I agree with the applicant and the Planning Authority and recommended that should the Board be minded to grant permission that no Section 48 Development Contribution condition is attached.

18.0 REASONS AND CONSIDERATIONS

18.0 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 Skibbereen Electoral Area Local Area Plan for the area 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.

19.0 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 received by the Planning Authority on 6th August 2015 and 27th 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. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to soakpits/drains to the satisfaction of the Planning Authority. Surface water run-off from the site shall NOT be allowed to flow onto the public roadway, adjoining properties or to the public foul sewer.

Reason: To prevent flooding and in the interests of public health.

5. 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 Rev 13 received by the Planning Authority on the 6th August 2015.

Reason: In the interests of road safety and amenity.

6. 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

7. Any damage caused by construction traffic during development works shall be repaired, with the agreement of Cork County Council, to the satisfaction of the Planning Authority.

Reason: In the interests of road safety and proper planning.

8. 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.

9. (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 6th 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 and agreed 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 interests of visual amenity.

10. 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 interests of sustainable waste management.

11. All buildings shall be constructed so that access and facilities are provided for disabled persons. The access and use requirements shall be in accordance with the latest available guidelines from the National Disability Authority at the time of commencement of the development.

Reason: To facilitate access by disabled persons

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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. 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 name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority]. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

14. 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 the Board 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.

15. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

16. 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.

17. Any over ground tanks containing liquid fuels shall be contained in a waterproof bunded area of sufficient volume to hold 110% 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.

18. No residential unit shall be occupied until the water and sewage services serving such dwellings are installed and functioning in accordance with the connection agreement made with Irish Water.

Reason: To ensure that satisfactory water and waste water arrangements are in place to serve the development.

Mary Crowley
Senior Planning Inspector
25th January 2016

Report ends MC