



An
Bord
Pleanála

Inspector's Report ABP-304072-19

Development	Extension to hotel
Location	Fernhill House Hotel, Fernhill Road, Clonakilty, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/580
Applicant(s)	O'Neill Hotel Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Marcellino Smyth
Observer(s)	Fiona O'Reilly
Date of Site Inspection	18 th June, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The Fernhill House Hotel is located to the north-west of the town of Clonakily in County Cork. The structure consists of a single-storey foyer and entrance area behind which there is a two-storey component and a four-storey extension to the rear. There are two car parking areas serving the hotel, a car park close to the entrance on the south-east part of the site and a car park to the north-west. A residential scheme of houses, Ard Alainn, is located to the north and north-west of the hotel property.

2.0 Proposed Development

- 2.1. The proposed development would comprise the extension of the existing hotel to include a spa/gym at ground floor level and 16 no bedrooms at first and second floor levels, together with elevation alterations and site development works. The extension would be constructed at the north-western end of the hotel building abutting the existing four-storey element of the hotel and would be finished to harmonise with the established structure.
- 2.2. Details submitted with the application included a Design Statement and a Consulting Engineer's Report.
- 2.3. The application was modified in response to a further information request, with the roof height being reduced and proposed balconies on the north-east elevation being omitted.

3.0 Planning Authority Decision

3.1. Decision

On 5th March, 2019, Cork County Council decided to grant permission for the proposed development subject to 8 conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The Planner noted development plan provisions, planning history, third party observations and reports received. The overall ridge height of the proposed extension was considered to be slightly excessive. The extension was considered acceptable in principle. A request for further information was recommended relating to Irish Water's and the Area Engineer's requests for information and an amended design to address impacts on the amenity of residents in the adjoining residential estate, to reduce the overall height of the extension to be more in line with the main hotel, and to omit balconies proposed at second floor level.

The A/Senior Executive Planner concurred with the Planner's recommendation.

Following the receipt of further information, the Planner considered the response was adequate and recommended that permission be granted subject to conditions.

The A/Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Area Engineer recommended that further information be sought on parking.

Following the receipt of further information, the Engineer had no objection to the proposal subject to conditions.

3.3. Prescribed Bodies

Irish Water requested the applicant to submit a pre-connection query to it to allow for assessment of the impact on water and waste water infrastructure.

Inland Fisheries Ireland stated that it had no objection to the proposal to dispose of septic tank effluent to the public sewer provided Irish Water signifies that there is adequate capacity. In the event that an assurance is not in place, it was submitted that the onus would be on the developer to provide a separate treatment and disposal option until public facilities are adequate.

3.4. Third Party Observations

Third party submissions were received from Marcellino Smyth and Dolores Barrett. The grounds of the appeal and the observation reflect the principal planning concerns raised.

4.0 Planning History

I note the planning history on this site referred to in the Planner's report – P.A. Refs. 16/66, 17/66, 15/71, 1/76, 50041/05, 50017/06, 50027/06, 50076/06, and 50005/14.

5.0 Policy and Policy Context

5.1. Clonakilty Town Development Plan 2009-2015

Zoning

The site is zoned 'Commercial/Tourist Related'.

5.2. Cork County Development Plan 2014

Parking Standards

Hotels:	1 Room + 1 space per 3 staff on duty + public space such as bars and restaurants as per the standards set out in this table
Public Houses	1 space per 8 (net sq m)
Restaurant	1 space per 5 (net sq m)
Conference Centres	1 space per 7sq m

5.3. Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant resides in 11 Ard Alainn estate adjoining the site for the proposed extension. The grounds of the appeal may be synthesised as follows:

- The design of the proposal has negative impacts on adjoining residential properties with reference to proximity of the development to private rear gardens and overbearing impact, overlooking from proposed balconies, and noise pollution arising from an outdoor terrace at first floor level. It is further submitted that a shadow study should have been submitted.
- There is insufficient parking being provided which would result in a traffic hazard and public safety concerns. No detailed assessment is submitted as to how the required elimination of overspill car parking is to be achieved. The location for the proposed extension is used as a staff car park, car parking overspill occurs onto the R588 and there is unauthorised use of adjoining amenity lands for parking. This is highly dangerous in terms of road safety and is a genuine public safety issue. A Traffic Impact Assessment and Traffic Management Plan should have been requested.
- The continued unauthorised parking use of lands zoned for amenity purposes demonstrates a persistent failure to comply with An Bord Pleanála's previous decision at the site (PL 50. 222491). Parking, hardstanding and gates to the west of the car park were determined to be unauthorised development and were required to remain closed to restrict vehicular and public access to this area and the parking and hardstanding area should have been grassed over. The unauthorised use of the amenity lands has had a detrimental effect on the privacy and enjoyment of the appellant's house and garden. The unauthorised use of these lands will increase if the current proposal is permitted. The Board

is asked to require the removal of the existing double gates and for a pedestrian gate to be erected instead to address the issue.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- There is no support in the Development Plan giving priority to the protection of residential uses and that commercial/tourist developments may only be tolerated if there is no perceptible impact on residential amenities. The site is zoned 'Commercial/Tourist Related' and that part of the applicant's property which immediately adjoins the Ard Alainn estate is zoned C-01 for new tourist related commercial development. There are no proposals to carry out any development in the area zoned 'Open Space/Sports/Recreation/Amenity' along the common boundary between the applicant's and appellant's properties.
- The policies and objectives of the Development Plan for the tourism sector generally support investment in tourist related development. The hotel has an important role for the tourism sector of Clonakilty and also for the wider business community and employment of West Cork.
- There would be a separation distance of more than 22m between the appellant's house and the north-western elevation of the proposed extension and there is significant screening within the buffer area. There is also a significant difference between the floor levels at Ard Alainn and the site of the extension. The roof line of the extension would be in line with that of the hotel and would be read as part of an existing complex. The impact of the scale and massing of the extension would be mitigated by the fact it is set onto the rising ground and there is a large area of open space to the south. With reference to the Guidelines on Urban Development and Building Height and Clonakilty's designation as the strategic employment hub for West Cork, it is important that sustainable densities and compact urban forms are achieved in commercial as well as residential zones.
- The location and orientation of balconies and screening along the site boundary would ensure that there would be little or no potential for hotel

guests to see into the adjoining garden. The applicant is prepared to modify the design to eliminate the potential for overlooking and revised drawings are attached showing the provision of obscure glazed screens to balconies at second floor level on the south-west elevation. They are also prepared to reinforce screen planting along the common boundary.

- The proposed extension would be located to the east where any potential for overshadowing of the appellant's garden would be confined to early morning. Any sunlight coming from the east may already be blocked to some extent by the existing hotel, by vegetation on the site and along the common boundary and by two-storey garages on the appellant's site and the adjoining site to the north. It is unlikely that the extension would have any perceptible effect.
- The extension would provide 16 bedrooms and a gym/spa and would not increase the capacity of the hotel to hold weddings or functions. The fact that more guests attending weddings may stay overnight would not in itself generate any additional parking demand and would reduce the traffic generated at the peak period at the end of an event. 97 parking spaces are available to guests, a further 15 are reserved for staff. A maximum of 43 spaces are required for bedrooms and the balance of 54 spaces would be available for dining, bar and function rooms. Previous overspill has generally occurred at peak events in the public parking spaces along the R588 and at the nearby graveyard. In future, bus services will be arranged for specific events if there is potential for overspill parking.
- Under ABP Ref. PL 50.222491, the Board permitted the retention of existing gates to the west of the car park to provide vehicular access to the applicant's lands to the west. The area to the west of the car park has been grassed apart from the access road and it is not currently used for car parking. It is not proposed to use the area west of the gates for parking under the current application.

6.3. Planning Authority Response

The planning authority submitted that it had no further comments to make.

6.4. **Observations**

The observer resides at No. 10 Ard Alainn and supports the third party appeal in terms of impact of parking behind her property, particularly late at night.

6.5. **Further Responses**

In response to the applicant's response, the appellant reiterated her concerns set out in the appeal.

The observer reiterated concerns about her safety and privacy.

7.0 **Assessment**

7.1. I consider that the principal issue for consideration in this assessment is the potential impact of the proposed development on the amenities of residents in the vicinity.

7.2. It is worthy of note firstly that the proposed development would form an extension to an existing hotel on lands that are zoned 'Commercial/Tourist Related'. Therefore, the principle of this development is wholly accepted at this location.

7.3. Further to this, the siting of the proposed extension is demonstrably appropriate. The proposal would be located as an add-on behind the main building block on an undeveloped area of ground. This area is wholly enclosed by long-established boundaries of trees and dense vegetation and by the existing hotel block.

Furthermore, it is located in a place that does not interfere with the character of the long established building, being appropriately set back close to the four-storey component, and it does not interfere with the official parking areas of the hotel or interfere with access to amenity lands on and in the vicinity of the site.

7.4. In terms of physical impact on the adjoining residential properties to the west of the location for the proposed extension, I first note that the residents of the estate have at all times had the understanding that an existing hotel complex was sited beside them and that the hotel use has been long established. In terms of scale, Fernhill House is a small hotel in relation the number of bedrooms it provides. It has undergone alterations over many years and it seeks to continue to develop to meet tourist and visitor needs. The addition of 16 bedrooms, a spa and a gym is another incremental addition on a significant holding. The location chosen for the extension,

as referenced above, is appropriate. It is a wholly enclosed, undeveloped area. Albeit that houses have been developed some 20 metres and more from the proposed location for the extension and that domestic garages have been developed close to the common boundary, I acknowledge that this is a well screened site. The proposal is intended to be developed by complementing the established building height and form of the adjoining established hotel structure. In the context of the orientation of the proposed development, the form and location of the established hotel development and the high common boundaries at this location, the proposal could not be seen to have any notable impact on neighbouring residential properties by way of overshadowing.

- 7.5. With regard to any perceived loss of privacy, it is apparent that the applicant addressed this issue in response to the planning authority's further information request by the omission of balconies that could potentially result in overlooking of neighbouring gardens. I further note the applicant's response to the appeal and I consider that the addition of obscure glazed screens to other balconies as proposed would satisfactorily address any further concerns that may arise relating to the issue of overlooking.
- 7.6. With regard to an overbearing impact, it is to be understood that incremental alterations and changes to the hotel structure is likely to form part of the development of the hotel use on this site over time. The location for the proposed extension is an appropriate choice for this extension. Undoubtedly, the proposed extension would bring structural development closer to residential properties. However, the proposal is designed to be compatible with the established hotel structure and it is well screened. I do not accept that it would have any overbearing impact on the adjoining properties to the west where large detached garages abut the common boundary.
- 7.7. With regard to car parking and the effects on amenity lands, I first note that the established parking areas for this hotel adequately meet parking provisions for a hotel of this scale, including the proposed extension. As the applicant has pointed out, 97 parking spaces are available to guests and a further 15 are reserved for staff. A maximum of 43 spaces are required for the number of bedrooms in the overall development and a balance of 54 spaces would be available for dining, bar and function rooms. I accept that there are peak times during events such as weddings

which may increase the demand for parking. However, the parking provisions on this site would meet the required development plan standards. The applicant has acknowledged that overflow of parking does arise at times, with impacts resulting for the public road. The appellant has shown that parking has occurred on the laneway immediately south-west of Nos. 10 and 11 Ard Alainn. Notwithstanding the difference in levels, where the lane lies substantially below the residential properties, the existence of a dense boundary and the lack of any other direct impact on the amenity lands within the hotel holding, such practices should be avoided in the interest of protecting the amenities of this area. Ultimately, this is a management issue and the control and management of overspill parking should be subject to a management plan. Clearly the planning authority is aware of this issue and is seeking to address this issue and the applicant seeks to address this issue also. The establishment of good practice, in the interest of protecting the amenity of this area, could well be addressed by an agreed traffic management plan for the hotel development between the planning authority and the hotel operators. In my opinion, this management issue could be adequately addressed by adherence to the obligations of an appropriate planning condition requiring the preparation and introduction of such a traffic management plan, with particular emphasis on addressing parking during peak periods. There are no reasonable grounds to refuse the proposed hotel extension on the basis of deficient car parking management.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the current Clonakilty Town Development Plan, to the design, character and layout of the development proposed, and to the extent of car parking provided on the hotel site, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard and would otherwise be in accordance with the provisions of the

current Town Development Plan and the Cork County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 drawings and details submitted to the planning authority on the 7th February, 2019 and by the further drawings and details submitted to An Bord Pleanála on the 25th April, 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity

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 comprehensive boundary treatment and landscaping scheme at the location of the proposed extension shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; and
- (b) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 5. Prior to the commencement of development, a traffic management plan shall be submitted to the planning authority for written agreement. This plan shall address the traffic management provisions for the functioning of the hotel, with particular emphasis on parking at peak periods, servicing and the avoidance of overspill beyond the established and permitted parking areas on the site.

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

- 6. 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 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.

Kevin Moore

Senior Planning Inspector

25th June 2019