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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/07111**

**Appeal** by Charles Colthurst care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 13<sup>th</sup> day of August, 2019 by Cork County Council to grant subject to conditions a permission to Hydro Estates Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a nursing home, 29 number detached houses and all ancillary site works on the site of the former Saint Ann's Hydropathic Establishment. The proposed development makes provision for the partial demolition, conservation, refurbishment, alteration and change of use of the remains of the former Saint Ann's Hydropathic Establishment which is a Protected Structure (RPS 00815) to facilitate its integration into the proposed two-storey nursing home which will provide for 120 number bed spaces and ancillary offices, meeting rooms, staff facilities, kitchen/restaurant, nurse stations, morgue, laundry facilities, communal lounge and the refurbishment of the former belfry tower structure. The proposed development will also include 29 number detached houses

consisting houses consisting of 26 number single storey three-bedroom detached houses and three number two-storey, four-bedroom detached houses. Access to the proposed development will be via a new entrance and access road from the R617 and ancillary site works will include provision of surface parking associated with the proposed nursing home, pedestrian walkways and landscaping. All at Saint Ann's Hill, Kilnamucky Tower, Blarney, County Cork.

## **Decision**

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

## **Matters Considered**

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

## **Reasons and Considerations**

Having regard to Special Policy Objective X-01 for the site as set out in the Blarney Macroom Municipal District Local Area Plan, 2017, which seeks the conservation/restoration of the remains of Saint Ann's Hydropathic Establishment with the provision for small scale low density residential development to the eastern and north western part of the site, and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character and setting of the protected structure or archaeological sites on this site, would retain the open character of the historic landscape, would not adversely impact on the residential amenities or the amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by reason of traffic hazard and would, otherwise, be in accordance with the provisions of the current Local Area Plan and the Cork County Development Plan, 2014. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details received by the planning authority on the 19<sup>th</sup> day of July, 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. Housing unit numbers 1, 2, 24, 25, 26 and 27, as detailed on the Drawing Number 17125/P/003, Revision P3, 'Site Plan', received by the planning authority on the 19<sup>th</sup> day of July, 2019, shall be omitted. Revised plans and particulars, showing the removal of the omitted housing units, and the provision of landscaping detail for those areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and having regard to the landscape character of the subject site.

3. Details of the phasing of the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

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

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

5. No signage, advertisement or advertisement structure shall be erected or displayed 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.

6. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) Detailed drawings showing the internal access road, shared surfaces and footpaths to meet the requirements of the planning.
- (b) Traffic management provisions, inclusive of road signage, internal footpath connectivity and internal traffic management.

**Reason:** In the interest of traffic safety.

7. The site shall be landscaped in accordance with the submitted landscaping scheme and trees to be retained shall be protected in accordance with the submitted tree protection measures. In addition, a comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of sustainable transportation.

9. 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.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

11. Prior to commencement of development, a method statement for the management of the construction phase of the nursing home and how the elements of the Hydropathic Establishment to be retained will be protected, shall be submitted to, and agreed in writing with, the planning authority. The content of the Method Statement shall be agreed with the planning authority and shall include a detailed schedule, including drawings and photographs as appropriate, of proposed conservation works to be carried out to the building and a confirmed statement as to how these works are to be carried out. All conservation works shall be carried out under the supervision of a suitable qualified conservation consultant/architect and these works shall be certified upon completion by the appointed consultant/architect.

**Reason:** In the interest of conservation and the architectural and cultural heritage of the site.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove, and

- (d) ensure a buffer zone of 30 metres around the site of Fulacht fiadha CO062-227, in advance of the development by a suitably qualified archaeologist. The buffer zone shall be delimited using appropriate temporary boundary fencing and signage, details of which shall be submitted to, and agreed in writing with, the planning authority.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

14. Site development and building works shall be carried out only between the hours of 0800 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.



15. 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.

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

16. The development hereby permitted shall be carried out and completed at least to the construction standards as required by the planning authority. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. A drawing delineating the areas proposed to be taken in charge, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

17. 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 housing in accordance with the requirements of section 96(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space, landscaping and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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.

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

**Dated this            day of            2020.**