



An
Bord
Pleanála

Board Order
ABP-316276-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 23/41719

Appeal by OMD (C) Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork against the decision made on the 20th day of March, 2023 by Cork City Council to refuse permission for the proposed development.

Proposed Development: Construction of four number four bedroom detached dwellinghouses and one number five bedroom detached dwellinghouse. The proposed development is a change of plan from that originally permitted under Cork County Council planning reference 18/7111 and is located within the curtilage of lands associated with the former Saint Ann's Hydropathic Establishment (Saint Ann's Hydro) which is a Protected Structure RPS reference number: PS1168. The development will result in the construction of an additional dwellinghouse. Access to the proposed development will be provided via the permitted access off the R617 road and internal road network. The development will also include all ancillary works necessary to facilitate the development, all on lands associated with the former Saint Ann's Hydropathic Establishment, 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.

Reasons and Considerations

The proposed development, located within the development boundary of Tower on lands zoned for residential development, would be in accordance with the provisions of the Cork City Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the development would not constitute overdevelopment of a sensitive site, would not seriously injure the residential and visual amenities of the area, and would not have a negative impact on the historic landscape, setting and special interest of the former Saint Ann's Hydropathic Establishment, a Protected structure. The proposed development would be in accordance with the character of the area and would not impact on the scenic route HVP3. The proposal would be in accordance with Strategic Objective 7, Objectives 6.15, 8.19 and 8.20 and Zoning Objective ZO 1.2 of the Cork City Development Plan 2022-2028 and with the Architectural Heritage Protection, Guidelines for Planning Authorities (2011). 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning

authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall comply with the conditions of planning appeal reference number ABP-305373-19 (planning register reference number 18/7111), except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall submit revised drawings and plans to the planning authority for written agreement which demonstrate that no undue overlooking impacts arise from the rear first floor bedroom windows of House number 2 onto the private open space associated with House number 1.

Reason: In the interest of residential amenity.

4. Details of the height and construction of all new boundaries associated with the proposed development shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity, and clarity.

5. 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.

6. 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 94(4) and section 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 96(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 of the area.

7. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

8. 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.



Stephen Brophy

Member of An Bord Pleanála

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

Dated this 29th day of May 2024.