An Coimisiún Pleanála

Commission Order
ACP-324425-26

Planning and Development Acts 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 25/44173

Appeal by Cathy Kennedy and by others against the decision made on the 10th day of June 2026 by Cork City Council to grant subject to conditions a permission to OMD (C) Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Large-Scale Residential Development (LRD) of 100 number residential units comprising 63 number dwelling houses, 23 number apartment units and 14 number apartment/duplex units, a creche facility and all ancillary site development works. The proposed development consists of the partial demolition, conservation and refurbishment of the remains of the former St. Ann's Hydropathic Establishment which is a Protected Structure (reference PS1168), to facilitate integration into a proposed two-storey apartment building containing 16 number apartment units (eight number one-bedroom and eight number two-bedroom) and an adjacent two-storey mixed-use building, providing a creche at ground floor and two number two-bedroom apartments at first floor. The partial demolition, conservation and refurbishment of the remains of former stable buildings to facilitate integration into six number terrace units (one number four-bedroom, three number three-bedroom and two number two-bedroom). The refurbishment and change of

use of a former coach house to one number three-bedroom detached dwellinghouse. The construction of a two-storey apartment building accommodating five number apartment units (two number two-bedroom and three number one-bedroom). The construction of a two/three-storey apartment/duplex building accommodating 14 number units (seven number two-bedroom and seven number one-bedroom). The proposed development also provides for the construction of an additional 56 number detached, semi-detached and terraced dwellinghouses comprising 15 number four-bedroom, 17 number three-bedroom and 24 number two-bedroom units. The proposed development also includes the restoration of the former clock tower structure and parkland which served the former St. Ann's Hydropathic Establishment. Access to the proposed development will be provided via an existing vehicular entrance and internal road from the R617 permitted by planning register reference number 18/7111 (An Coimisiún Pleanála reference number 305373-19) as amended by planning register reference number 23/41719 (An Coimisiún Pleanála Reference number 316276-23). Ancillary site development works include the provision of bicycle and bin storage facilities, all on lands associated with the Former St. Anns Hydroptahic Establishment, St. Anns Hill, Kilnamucky Tower, Blarney, County Cork (the proposed development consists of or comprises the carrying out of works to a protected structure), as revised by the further public notices received by the planning authority on the 16th day of April, 2026 which included a reduction in the number of proposed residential units from 100 to 80.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the size and the location of the site within the urban development area of Tower, to the zoning objective ZO-01 'Sustainable Residential Neighbourhoods', it is considered that to permit the development as proposed with a density of 17.3 dwellings per hectare (dph), would be contrary to the provisions of national, regional and local planning policies for sustainable residential development, including the National Planning Framework National Policy Objective (NPO) 43 which seeks to prioritise the provision of new houses at locations that can support sustainable development and at an appropriate scale of provision relative to location, NPO 45 which seeks to increase residential density in settlements, and the framework to increase residential density as set out in the Regional and Economic and Spatial Strategy 2020-2032. The proposed density of 17.3 dph would be significantly below the ranges of 40 dph to 80 dph (net) for suburban / urban extension of Cork City and suburbs as set out in Table 3.1 of the Sustainable Residential Development and Compact Settlement Guidelines 2024, published by the Department of Housing, Local Government and Heritage in January 2024, and the density of the proposed scheme would materially contravene section 3.25 of chapter 3 of the Cork City Development Plan 2022-2028, relating to residential density, which states 'As a general rule the minimum density shall be 35 dwellings per hectare (net density) excluding one off houses' for developments on greenfield sites. The density of the proposed scheme would be significantly lower than the density range set out in Table 11.2 'Cork City Density and Building Height Standards' which targets ranges between 40 and 60 dph for Outer Suburbs. While there may be valid planning reasons for accepting densities below the density ranges cited above, including the protection of the character of the surrounding area, on the facts of this case, the Commission considered that the cultural and landscape constraints inherent to this site would not constitute exceptional circumstances to deviate to such a significant extent from the recommended density ranges outlined in national, regional and local planning policies. In this regard, the Commission considered the historic sensitivity arising from the

location of the proposed development on the site of the former St. Anne's Hydropathic Establishment which is a protected structure, the sloping typography, and landscape sensitivities of the site, however noting the overall size (11.11 hectares) of the site with a net area of 4.62 hectares, the residential zoning and location of the site within the overall urban area of Tower which is readily accessible from the established road and footpath network, the Commission determined that the proposed density, at less than half the minimum density range requirement of the Cork City Development Plan 2022-2028, and the density permitted by the planning authority at 21.6 dph, to be too low for the size, location and opportunity potential of the subject site. The proposed development would comprise an inefficient and unsustainable use of these zoned serviced lands, in a manner contrary to the above-mentioned national guidance and statutory policy context. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission considered the totality of the documentation on file, including the applicant's justification for the development and density outlined in the Planning Statement accompanying the application and the issue of appropriate density has been ventilated in the planning application and appeal documentation submitted. The Commission acknowledged and agreed with the assessment of density by the Inspector, wherein he considered that the proposed density / number of units to be a material contravention of the development plan as at 17.3 dph the proposed density is far below the minimum stated in the Cork City Development Plan 2022-2028, given the location within the urban area of Tower and the ZO-01 Sustainable Residential Zoning objective of the site. The Commission, having examined the planning documentation including the photographs from the Inspector of the site and its environs and with reference to the planning history of the site, did not accept the assessment of the Inspector that exceptional circumstances exist to justify contravention of the development plan as the Commission did not agree that the integration of the former Hydropathic Establishment into the

scheme (RPS Ref 00815) and the presence of a Fulacht Fia (CO062-227) would of themselves preclude higher densities on the site, given the large site area, the Fulacht Fia location outside the net developable site area, the principal design objective of the proposed development for the re-creation of the general footprint and massing of the original Hydropathic Establishment and the 'moderate' ranking in the Historic Landscape Appraisal which accompanied the application. The Commission did not consider that the historic setting, sloping typography, presence of existing specimen trees and the planning history of the site, such that a density of development to the significantly reduced quantum as proposed would be necessary, particularly in relation to a significant portion of the developable site area to the east and less elevated parts of the site. While the Commission noted that almost all of the buildings shown on the late 19th century 1:2500 OS map have been removed and that only fragmentary remains of the former buildings are in situ, it was considered the principal design objective for the re-creation of the general footprint and massing of the original Hydropathic Establishment to be an appropriate response to the historic setting and landscape.

In conclusion, the Commission considered the overall layout of the site, at the density envisioned would comprise an inefficient and unsustainable use of these zoned serviced lands, in a manner contrary to the above-mentioned national guidance and statutory policy context.

Emer Maughan
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 22nd **day of** October **2026**