



An
Bord
Pleanála

Inspector's Report ABP-305373-19

Development	Nursing home and 29 houses
Location	St. Ann's Hill, Kilnamucky, Tower, Blarney, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/7111
Applicant(s)	Hydra Estates Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Charles Colthurst
Observer(s)	An Taisce Zwena McCullough Irish Georgian Society
Date of Site Inspection	23 rd January, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development comprises an 11.9 hectare plot on the northern side of Regional Road No. R617 approximately 1km east of Tower village centre and 2.5km west of Blarney. The existing access to the lands is along the west side of the site. The site is on the location of the former St. Ann's Hydropathic Establishment, where a complex of ruins associated with this remain and constitute a protected structure and National Monument. The site comprises two open fields bounded by strips of woodland and hedgerow, separated by a timber fence, a stream and a treeline. It retains significant numbers of trees at its northern end and along its boundaries. An open stream flows west/east through the centre of the site to the Shournagh River which bounds the north-east boundary of the site. The site slopes from west to east / south-east. There is extensive housing developments in the immediate vicinity, notably immediately to the west and south. There are a number of detached houses and associated outbuildings to the west of the site, inclusive of Marantha Country House B&B. Hydro Farm, an agriculture and gardening business, is located to the west of the former Hydropathic Establishment.

2.0 Proposed Development

2.1. The proposed development originally submitted to the planning authority comprised the construction of a nursing home and 29 houses. The development includes the partial demolition, conservation, refurbishment, alteration and change of use of the remains of the former St. Ann's Hydropathic Establishment to a two-storey, 120 bed nursing home, which would include meeting rooms, staff facilities, kitchen/restaurant, nurse station, morgue, laundry facilities, a communal lounge, and the refurbishment of the former belfry tower. The 29 houses comprised 26 single-storey, three bedroom detached houses and 3 no. two-storey, four bedroom detached houses. It is proposed that the development would be delivered in two phases – Phase 1 would provide for preparatory and consolidation works on the former hydro building and the construction of 8 houses, access roads, a pedestrian path and associated landscaping, while Phase 2 would provide for the development of the nursing home and the remaining houses.

2.2. Details submitted with the application included a Planning and Design Statement, a Conservation Plan, an Architectural Heritage Impact Assessment, an Archaeological Impact Assessment, an Engineering Report, a Part V Proposal, a Report on Preliminary Structural Survey, a Traffic and Transport Assessment, a Road Safety Audit, a Public Lighting Design Report, a Visual Impact Study, a Landscape Design Statement, a Specification of Softworks, Photomontages, an Ecology Report, an Appropriate Assessment Screening Report, and an EIAR Screening Report.

3.0 Planning Authority Decision

3.1. Decision

On 13th August 2019, Cork County Council decided to grant permission for the proposed development subject to 60 conditions. Condition no. 2 reduced the overall house numbers to 25.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, the policy context, reports received, and third party submissions made. Reference was made to the site being in an area defined as a Special Policy Area. It was submitted that proposed housing in the southern section of the site was not provided for under the provisions relating to this Area. The proposed house designs were seen to take into account the low density design requirement of the policy objective for the Area. The phasing of the development of the nursing home was queried while its siting and design were seen to be acceptable subject to heritage and archaeological issues being resolved. The residential element was viewed as not constituting a significant negative visual impact. It was acknowledged that the proposed nursing home would be visible from Blarney Castle but that it would not break the ridge line of the existing hillside. A revised cladding was regarded as being appropriate. A request for further information was recommended seeking to resolve the issues raised and those issues raised in submitted reports.

The Senior Executive Planner agreed with the Planner's recommendation.

3.2.2. Other Technical Reports

The Public Lighting Section sought further information relating to design and specifications of the proposed lighting scheme.

The Environment Section had no objection to the proposal subject to conditions.

The Housing Officer was satisfied with the proposed social housing provision.

The Ecologist concurred with the conclusions of the AA screening submitted as part of the application details. Concerns raised related to the extent of removal of woodland cover, lighting impact on bats, the implementation of mitigation measures, and lack of surface water attenuation measures. A request for further information on these issues was recommended.

The Area Engineer requested that further information be requested relating to road access gradients, surface water attenuation, the provision of a petrol interceptor for the nursing home car park, and maintenance of soakaways.

The Roads Engineer requested that further information be sought in relation to traffic calming and Autotrack details, footpaths along the regional road, details of the proposed entrance, parking space dimensions, and soakaway provisions.

The Archaeologist requested further information relating to a revised landscaping proposal, the removal of housing to the south, revisions to conserve more of the main house, the stables and south boundary wall, and revisions to the design of the southern and eastern elevations of the modern courtyard complexes to be more in proportion with the main house building.

3.3. Prescribed Bodies

Inland Fisheries Ireland requested that Irish Water signifies there is sufficient capacity to accommodate effluent that would be generated and that planning conditions would require no interference with the onsite stream, the Shournagh River and any watercourse.

An Taisce submitted that the proposal would have an adverse effect on an historic landscape.

Irish Water had no objection to the proposal.

The Department of Agriculture, Food and the Marine sent an email to the planning authority relating to tree felling on the site.

3.4. Third Party Observations

Third party submissions were received from Charles Colthurst, Martina and George Earle, Harlow Edward and Kathleen Amanda Spilsbury, Karina Abdulbaneeva, Anne Cahill, John Corcoran, Nicola Corcoran, Ruby Tina, Les O'Sullivan, Peter and Mary McCullough, Kim Green, Rosie O'Riordan, Douglas and Olwen Venn, and Zwena McCullough. The observations to the Board raise the principal planning concerns.

A request for further information was made by the planning authority on 1st February 2019 and a response was received from the applicant on 19th July 2019. The response included revising the number of houses to 27, a Tree Survey, a Woodland Management Plan, an Outline Construction and Environmental Management Plan, and engineering, landscape and ecology responses, as well as addressing revisions to phasing, nursing home finishes and treatment of the existing structures.

The reports to the planning authority following the receipt of this information were as follows:

The Environment Section had no objection to the proposal subject to a schedule of conditions being attached.

The Public Lighting Section sought a revised design and drawing.

The Estates Section had no objection to the proposal subject to a schedule of conditions being attached.

The Archaeologist requested that a pitched slate roof be provided for the old building associated with the proposed nursing home. It was concluded that if planning permission was being granted an archaeological condition should be attached and the detail of this condition was set out.

The Area Engineer had no objection to the proposal subject to a schedule of conditions.

The Planner considered that the proposed two houses to the south-west should be omitted to enhance and preserve landscape character and the setting of the Hydro Establishment. The Planner did not concur with the Archaeologist's recommendation on the pitched roof over the old building as the proposed intervention was seen to allow the new to be distinguishable from the old elements. A grant of permission subject to the attachment of a schedule of conditions was recommended.

The Heritage Unit had no objection to the proposal subject to a schedule of conditions.

The Senior Executive Planner concurred with the recommendation of the Planner.

4.0 **Planning History**

P.A. Ref. 09/4873

Permission was refused for two houses.

P.A. 09/7433

Permission was granted for two houses.

P.A. 18/4230

Permission was refused for 7 detached houses.

5.0 **Policy Context**

5.1. **Cork County Development Plan 2014**

Core Strategy

Tower is designated a "Key Village" in the Plan.

The Strategic Aim for such villages is:

Establish key villages as the primary focus for development in rural areas in the lower order settlement network and allow for the provision of local services, by

encouraging and facilitating population growth at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available. Supporting the retention and improvement of key social and community facilities, and inter urban public transport.

Housing

Objectives include:

HOU 3-1: Sustainable Residential Communities

a) Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, in development plan preparation and in assessing applications for development through the development management process.

Architectural Heritage

Hydropathic Establishment ('St Annes Hydro') is listed as a Protected Structure (RPS 00815).

Objectives include:

HE 4-1: Record of Protected Structures

a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2005).

b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.

c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume 2, Chapter 1 of the Plan.

d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.

- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

5.2. **Blarney Macroom Municipal District Local Area Plan 2017**

Tower

The vision for Tower is to encourage the consolidation of the village within its rural setting. To protect and enhance the range of community facilities within the village and to promote sympathetic development in tandem with the provision of service.

The Plan states, given the difficulties that exist in relation to topography and the lack of an appropriate range of services, it is considered that a maximum growth of approximately 182 units would represent a more sustainable level of growth for Tower over the lifetime of this plan.

Special Development Objectives

The following objective relates to the appeal site:

X-01 - Special Policy Area.

St Ann's Hydropathic Establishment is designated a Special Policy Area. The policy includes for the dual approach to the conservation/restoration of the remains of the Hydropathic Establishment with the provision for small scale low density residential development to the eastern and north western part of the site.

Development proposals are required to be carefully considered and supported by a detailed Conservation Plan for both the protected structures and the setting of the same. The Conservation Plan is required to include a historic landscape appraisal. Any new development within the site is required to be of a high quality architectural design and responsive to the established historic demesne associated with the Hydropathic Establishment, ensuring the special and unique character of the site is conserved and enhanced.

5.3. Appropriate Assessment

The proposed site is not located within or in the vicinity of any Natura 2000 site. The Great Island SAC is located 17.5km to the east of the site and is designated for the protection of Mudflats and sandflats not covered by seawater at low tide and for Atlantic salt meadows. None of these occur on the proposed site. The nearest part of Cork Harbour SPA is Douglas Estuary, which is some 12.1km to the south-east of the site. This SPA is designated for a range of wintering birds and there is no evidence that the lands forming the site are used by any of the wintering water birds making up the Special Conservation Interest of this SPA. The River Blackwater (Cork/Waterford) SAC is located greater than 14km to the north of the site. The site drains to the River Lee and, as a result, there is no hydrological link to this SAC.

Having regard to the localised nature of the potential effects of the proposed development at the construction and operational phases and the significant separation distances between the proposed site and Natura 2000 sites, 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 that would warrant environmental impact assessment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant is the owner of Blarney Castle estate. The grounds of the appeal may be summarised as follows:

- The national and international archaeological significance of the site has been under-estimated. Further research is required on the appropriate form of development of the structures on the site. In the event the proposed nursing home is granted, the Board is asked to condition amendments to the roof pitches and fenestration on the east façade to achieve a 'front of house' appearance and to require additional landscaping to the car park area.
- The proposal is contrary to the Special Policy Area Objective X-01. It is requested that the housing component be reduced to between 12 and 14 units to be consistent with the objective by omitting the proposed four units to the south of the site, deleting units 21-23 and 26-29, and deleting or reducing to single storey units 24 and 25.
- The proposal will have a negative impact on the visually sensitive viewshed of Blarney Castle. In the event the proposal is granted, the layout should be amended to mitigate the negative visual impact on Blarney Castle.

The appeal includes a report on the planning application's archaeological assessment and a landscape and visual assessment report in support of the submission.

6.2. Applicant Response

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

- The views from Blarney Castle have not been designated as protected or scenic views in the County Development Plan. The subject lands are zoned to accommodate development.
- Significant work was undertaken in understanding the cultural and ecological attributes of the demesne. The County Archaeologist was satisfied with the Conservation Plan and accompanying documents.
- With regard to Special Policy Area Objective X-01, a dual approach to the conservation/restoration of the Hydropathic Establishment has been provided, the development is small scale and low density, the proposal has been accompanied by a comprehensive Conservation Plan, and the development has been designed to incorporate the limited remnants of the former Hydropathic Establishment within the footprint of the nursing home,.
- An attached visual impact addendum highlights that there is no basis to support the requested alterations to the proposed housing given that it is barely discernible from Blarney Castle.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

6.4. Observations

An Taisce raised concerns relating to the adverse impact on the setting of Blarney Castle and the landscape and heritage character of the former Hydropathic Establishment. The appellant's submission is supported.

Zwena McCullough raised concerns relating to the loss of historic lands to housing, the impact on the historic and cultural significance of the former Hydropathic Establishment, the adverse landscape impact, the need to prohibit housing on historic landscapes, the impact on the neighbouring Hydro Farm, the siting of the proposed car park, the need for suitable fencing, the potential to open up part of the

lands as public parklands, the insensitivity of the nursing home design, and the intrusive layout and siting of the internal road network.

The Irish Georgian Society raised concerns relating to the lack of an historic landscape appraisal and the involvement of a landscape historian in the design or assessment of the proposal, the severance of large parts of the curtilage of the former Hydropathic Establishment from the protected structure, and the disruption of the interrelationship between Blarney Castle and the historic landscape to the north-west.

6.5. Further Responses

In response to the applicant's response to the appeal, the appellant, the Irish Georgian Society, An Taisce, and Zwena McCullough reiterated their concerns and submitted the response did not assuage the concerns raised.

In response to a request for a submission from the Board, the Department of Culture, Heritage and the Gaeltacht recommended that, should the Board decide to grant permission, Conditions 9 and 10 of the planning authority's decision be retained.

7.0 Assessment

7.1. Introduction

7.1.1 I consider that the principal planning issues meriting assessment are the development in the context of development plan provisions, the impact on architectural and archaeological heritage, the impact on landscape, the impact on Blarney Castle, the impact on residential amenity and adjoining properties, the visual impact, and the traffic impact.

7.2. The Development in the Context of Development Plan Provisions

7.2.1 The proposed site lies within the settlement boundary of the village of Tower. Tower village has been subject to a very significant expansion of residential development in recent years, primarily in the form of suburban housing estates. Several of these

estates are located immediately to the south and east of the appeal site. Tower is intended to accommodate a further growth of up to 182 more residential units during the lifetime of the Blarney Macroom Municipal District Local Area Plan, which was adopted in 2017. The proposed site has been earmarked for some of this further residential development. This site, i.e. St Ann's Hydropathic Establishment and its associated landholding, is subject to a Special Development Objective, namely X-01 Special Policy Area. The policy includes for the dual approach to the conservation/restoration of the remains of the Hydropathic Establishment, with the provision for small scale low density residential development to the eastern and north western parts of the site.

7.2.2 Based on the reality of the Plan provisions, there can be no doubt that this site is earmarked for residential development. It is my submission to the Board from the outset that there is no merit in giving over consideration to excluding residential development from the proposed scheme, in the event of a grant of permission, based on any landscape heritage value, impact on the visual amenity of the area, impact on the setting of the former Hydropathic Establishment, etc. once the criteria set out in the Special Policy Objective are adhered to. The residential component is required to be small scale, low density and located in the eastern and north-western parts of the site.

7.2.3 One could reasonably call into question the low density and small scale of residential development proposed on this site, having regard to the serviced nature of the lands, compatibility with the nature and extent of residential estate development in the immediate vicinity, and the availability of community facilities and infrastructure at this location. However, the Hydropathic Establishment and associated lands are recognised as being of particular heritage and landscape value and the Development Plan seeks to make special provisions for this landholding. In this context, one must reasonably seek to pursue the intent of the Plan rather than maximise the utilisation of the lands for residential use, in my opinion. This view is offered with the understanding that other serviceable lands are available within the Tower settlement boundary to accommodate the further residential growth intended for the village.

7.2.4 Returning to the proposed development's compliance with the Special Policy Objective, it is clear that the development permitted by the planning authority adheres to the main principal requirement of this Objective, namely the proposed

housing being very clearly small scale and low density and located on the eastern part of the site, while the scheme also provides for the conservation / restoration of the remains of the Hydropathic Establishment by the development of the nursing home. The issues relating to heritage, landscape and conservation will be addressed further in this assessment. However, there can be no doubt that the principle of this development is wholly accepted based on the very specific Development Plan objective for these lands.

7.3 The Impact on Architectural and Archaeological Heritage

7.3.1 I repeat that this site is specifically earmarked for the conservation and restoration of the Hydropathic Establishment and for the development of small scale, low density housing in certain sections of the landholding. I acknowledge the array of information that has been provided on the historic and heritage importance of the Hydropathic Establishment. The Development Plan provisions seek to achieve a reasonable balance between retaining the open character of the lands, providing for the conservation of the remnants of the Hydropathic Establishment, and allowing for some development of the landholding.

7.3.2 What remains on the site of the Hydropathic Establishment are ruins and these ruins are deteriorating. The proposed development of a nursing home seeks to conserve what is feasible and to integrate these remnants with the new build. What is being salvaged from the remaining structures on this site is a reasonable response to the Special Policy Objective which seeks the conservation / restoration of the remains of the Hydropathic Establishment. The response in land use, building form, scale and character, in my opinion, is appropriate. The nursing home proposal is a high quality architectural design and is clearly responsive to the established historic demesne associated with the Hydropathic Establishment.

7.3.3 This application has been subject to the considerations of the planning authority's Archaeologist and Heritage Unit. This scheme has been revised to meet heritage concerns. I would also emphasise that this application was forwarded by the Board to the Department of Culture, Heritage and the Gaeltacht for its consideration and

there were no heritage, cultural or other concerns raised other than a requirement for a condition relating to archaeology to be attached. There has been no determination that the level of research is inadequate in order to allow a planning authority to make a planning decision on the development of these lands. I acknowledge that the application details have included a Conservation Plan, an Architectural Heritage Impact Assessment, and an Archaeological Impact Assessment.

7.3.4 With regard to requests for roof changes and changes to fenestration, I again note that the original proposal was subject to design changes and consider that further variations would be tinkering with a well-formed, functional building proposal. The old and new is clearly understood in the proposed design and does not merit more change.

7.3.5 Overall, one can reasonably determine that the proposed development would attain the objective of conserving and restoring the remnants of the Hydropathic Establishment that are feasible to retain. The archaeological and architectural heritage of the Hydropathic Establishment is being appropriately conserved on this site with the proposed scheme.

7.4 The Impact on the Historic Landscape

7.4.1 The Special Development Objective for this site requires development proposals to be subject to a Conservation Plan and this is required to include an historic landscape appraisal. The application details include a Conservation Plan and a Landscape Design Statement. The Conservation Plan addressed the site context, its history, the former buildings and the landscape and its historical changes. The Landscape Design Statement addressed the nature of the open historic parkland of the site and ultimately drew up design concepts and developed a landscape master plan. There can be no doubt, in my opinion, that adequate information is available to allow the making of a planning decision on the merits of the proposed scheme, with due regard to the potential impacts on the historic landscape.

7.4.2 The proposed development seeks to respond to the Special Policy Objective set out in the Local Area Plan. In this regard the development of the nursing home is sought on and in the immediate vicinity of the former Hydropathic Establishment and the housing ultimately permitted by the planning authority is small scale and low density located at the eastern sections of the site. The Objective appears to seek to attain the open character of the historic landscape on this site, while allowing a very limited scale of residential development. The approach taken in this application appears to seek to protect the southern section of the site in order to provide a buffer between it and the more developed lands to the south of the public road, as well as protecting the archaeological significance of the central section of the site (fulacht fia – SMR No. C0062-227) and protecting the setting of the former Hydropathic Establishment, which itself is a protected structure and archaeological site (SMR No. C00620-235). The proposal seeks to retain much of the framing of the site, which primarily takes the form of pockets of woodland, established treelines and hedgerow, as well as introducing substantial additional woodland planting.

7.4.3 I acknowledge that the introduction of houses onto these lands will distort the historic landscape to some degree. New structures would be introduced to parts of the historic landscape where structures did not exist previously as part of the Hydropathic Establishment. However, this introduction of new development has been expressly planned for and the siting of the development permitted by the planning authority is at those locations where it has been planned for. In accepting this, one must accept the degree of effect on this landscape that arises.

7.5 The Impact on Blarney Castle

7.5.1 Blarney Castle is located approximately 1.6km to the east of the proposed site. It is on the south-western edge of the village of Blarney. There are extensive agricultural lands, woodland and housing between the castle and the proposed site. There are no protected views from this castle in the direction of the proposed site. Furthermore, the development of this site for the conservation and appropriate development of the former Hydropathic Establishment and the development of low density, small scale housing has been planned for in the Local Area Plan. There are a number of photographs of the former Hydropathic Establishment on the appeal file. It is evident

that this was a large complex of structures and that the footprint and scale of that development would have been visible at a distance from Blarney Castle when the facility was in use.

7.5.2 I note that the appellant has submitted that a robust appraisal would have included the relationship between the Hydropathic Establishment and Blarney Castle. It is clear that the applicant's appraisal and visual representations have appraised the impact on views from the castle. It is pertinent to note that the appellant also submits that at the time of the Hydropathic Establishment the castle would have been a romantic ruin in the landscape. The role reversal is evident as the Hydropathic Establishment is now a ruin and the castle is itself an important tourist amenity. The proposed development allows for the ruin to be redeveloped. The distant visual impact, with the outline of the roofed new nursing home structure, would likely in many ways reflect the scale and visual impact of the previous facility when viewed from Blarney Castle.

7.5.3 With regard to the impact of the proposed new houses, I note that the appellant has submitted that it is the visible presence of suburban housing in the rural landscape that is incompatible with the setting of Blarney castle tourist amenity. It is very clear from the visual impact assessment undertaken in this application that much can be seen from the top of Blarney Castle, inclusive of extensive new and old development in Blarney itself as well as views across an agricultural landscape dotted with structures. The proposed housing approved by the planning authority is wholly in keeping with the Development Plan provisions and would be well screened. Furthermore, the omission of the houses at the southern end of the site would remove any likely substantial visible structural development from view from the castle. There is no necessity for the removal of further proposed houses.

7.5.4 In conclusion, it is again noted that there are no views protected from Blarney Castle. In my opinion, there could be no rational conclusion drawn that the development warrants a refusal based on any impacts on views from this castle.

7.6 The Impact on Residential Amenity and adjoining Properties

7.6.1 The proposed nursing home development seeks to mimic and utilise the footprint and setting of the former Hydropathic Establishment. The proposed housing along the eastern parts of the site is small scale and low density. The proposed housing development would have no adverse impacts on established residential amenities or neighbouring properties having regard to its layout and separation distances. The proposed nursing home would allow for the Special Policy Objective to be fulfilled in terms of the conservation of the Hydropathic Establishment. The nature of this use would be wholly compatible with the development requirements for this site. Clearly, a functioning nursing home would reintroduce a use to this location that would bring with it increased activities, servicing, deliveries, parking, etc. However, it could not reasonably be determined that the nursing home would in any significant way intrude on the functions and uses of any neighbouring properties. It would be a wholly serviced facility, providing for the needs of residents and those working at such a facility.

7.6.2 Regarding the proposed car park, this would be an integral feature of the development of this facility and is suitably proposed to the south of the nursing home where it would be screened with established and new planting. Furthermore, the retention and enhancement of established boundaries would protect neighbouring properties from undue interference. External lighting for the functioning of such a facility is necessary and a sensitive scheme has been designed. The two-storey scale of the development is appropriate and would have no notable overbearing impacts on neighbouring properties. There would be no other significant issues arising from overshadowing, overlooking or interference with privacy.

7.6.3 In conclusion, I am satisfied that the proposed development would not have any significant adverse impacts on the amenities of established residents or neighbouring properties.

7.7 The Visual Impact

7.7.1 The proposed site slopes steeply generally in a west - east / south-east direction towards the Shournagh River. Of the new development, the proposed two-storey

nursing home would be on the highest location on the lands. This would be set on and in the vicinity of the former Hydropathic Establishment with the backdrop of the hill and woodland in which it is set. The proposed housing would be developed on sloping lands that would be well screened by established woodland and treelines. There would be a single vehicular access and the internal access road would split with a road skirting the western side of the site leading to the nursing home and another road being developed along the eastern periphery to serve the new housing. Both roads, due to their layout and location, would not be conspicuous when viewed from the public realm.

7.7.2 When approaching the site from the west along the public road, only the southern section of this site is visible. The proposed housing permitted by the planning authority would not constitute any visual intrusion from this approach. The proposed site is not in any manner notable on the approach from the east, i.e. from the Blarney direction.

7.7.3 Overall, it may reasonably be determined that the proposed scheme would not be visually obtrusive.

7.8 Traffic Impact

7.8.1 The proposed development would provide a single vehicular recessed access onto the public road within the speed limit controls for this village. It would be sited between two estate road junctions on the opposite side of the road. Sightlines would be adequate. The proposed development could be accommodated without interfering with the safety and free flow of traffic on the public road.

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 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 St. 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 the proposed development would not adversely affect the character and setting of the protected structure and 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. 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 19th 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 units Nos. 1 and 2 at the southern end of the site shall be omitted from the proposed scheme.

Reason: In the interest of visual amenity and to comply with the Development Plan objective for the site.

3. Details of the proposed phasing of the scheme and a method statement for the construction of the nursing home shall be submitted to and agreed in writing with the planning authority prior to the 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 the 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, footpaths, etc. to meet the requirements of the planning authority; and
- (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, prior to commencement of development, a comprehensive boundary treatment scheme shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. 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.

9. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. 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, and

(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.

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.

11. 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.

12. 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.

13. 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.

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 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.

15. 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.

16. 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

30th January 2020