



An
Bord
Pleanála

Inspector's Report

ABP-316276-23

Development	Construction of 5 no. detached houses.
Location	Lands associated with the former St. Ann's Hydropathic Establishment (RPS Ref. No. PS1168), St. Ann's Hill, Kilnamucky, Tower, Blarney, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2341719
Applicant	OMD (C) Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	OMD (C) Ltd.
Observer(s)	Zwena McCullough George and Martina Earle Charles Colthurst Douglas and Olwen Venn

Date of Site Inspection

15th March 2024

Inspector

John Duffy

1.0 Site Location and Description

- 1.1 The appeal site has a stated area of 1 ha and is located on the northern side of the R617, approximately 1 km east of Tower village centre and 2.5 km west of Blarney.
- 1.2 The appeal site forms part of a wider landholding elevated above the public road measuring approximately 11.9 ha and which accommodates the former St. Ann's Hydropathic Establishment where a complex of ruins associated with this remain and constitute a Protected Structure and National Monument. Significant numbers of trees are located at the northern part and along the boundaries of the wider landholding, while a stream flows through the centre of the site to the Shournagh River which bounds the north-eastern perimeter of the site.
- 1.3 The appeal site itself, located in the southern half of the wider landholding, and set back from the eastern site boundary along which there are significant numbers of trees, comprises part of an open field.
- 1.4 There are extensive housing developments in the immediate vicinity, most notably to the west and also on the southern side of the R617. Three detached dwellings adjoin the site to the east, beyond which a new housing estate, Barters Wood, of predominantly two storey design has been constructed in recent years.

2.0 Proposed Development

- 2.1 The appeal site forms part of the wider Hydropathic Establishment lands redevelopment which was the subject of an appeal decision in 2020 for a

mixed use development, under which 21 housing units and a nursing home were permitted (ABP-305373-19 refers).

2.2 The proposed development comprises amendments to the aforementioned permitted development, specifically:

Construction of 5 no. 2 storey detached houses instead of 4 no. detached houses (4 no. single storey units and 1 no. single and two storey unit) on the appeal site. The proposed 5 no. units comprise the following House Types:

- **House Type G (Nos. 1 and 5):** 2 no. 4 bedroom units (c 201 sqm) with roof ridge heights of c 8.1 m on sites of c 566 sqm and 553 sqm respectively.
 - **House Type E (No. 2):** 1 no. 5 bedroom unit (c 245 sqm) with a roof ridge height of c 8.5 m on a site of c 724 sqm.
 - **House Type F (Nos. 3 and 4):** 2 no. 4 bedroom units (c 161 sqm) with roof ridge heights of c 7.5 m on sites of c 640 sqm and c 551 sqm respectively.
- Each unit to have its own driveway (to accommodate 2 no. car parking spaces) accessed from individual entrances from one of the permitted internal roads.
 - Rear garden sizes range from 208 sqm to 359 sqm.
 - Front boundaries to comprise a low wall with painted metal railings atop (total height of 1.1 m).
 - Rear garden boundary treatment to comprise 2 m high blockwork capped walls, rendered on both sides and 2 m high block wall with concrete post and composite panel fence between the rear gardens.

The characteristics of the 4 no. units permitted on this part of the overall landholding under ABP-305373 -19 are as follows:

- Floor areas range in size from c 118 sqm to c 160 sqm
- 3 of the houses (Units 3, 5 and 6) accommodate 3 bedrooms each, are of single storey design, and have roof ridge heights of c 5.1 m

- Unit 4 is of single and two storey design with a maximum roof ridge height of c 7.1 m

The permitted dwellings have shared parking courts/driveways rather than separate entrances leading to individual driveways.

2.3 Details submitted with the application include a Planning Statement, a Design Statement, a Conservation Method Statement, a Part V Proposal, an Engineering Services Report, Storm and Wastewater Assessment Reports and Photomontages.

3.0 Planning Authority Decision

3.1 Decision

On 20th March 2023, Cork City Council decided to refuse permission for the proposed development for the following reason:

1. 'The increased height and density of the proposed development will result in overdevelopment of a sensitive site and would have a negative impact on the historic landscape, setting and special interest of the former St. Ann's Hydropathic establishment, a protected structure. Further the proposed development does not respect the character of the area and it will impact negatively upon a scenic route. The proposed development would be contrary to Strategic Objective 7, Objectives 6.15, 8.19 & 8.20 and Zoning Objective ZO 1.2 of the Cork City Development Plan 2022-2028 and to the Architectural Heritage Protection, Guidelines for Planning Authorities by Department of Arts, Heritage and the Gaeltacht, now the DHLGH, (2011). The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.'

3.2 Planning Authority Reports

3.2.1 Planning Report

The Planning Officer notes the site's planning history, the policy context, reports received and third party submissions made. The report notes that both of the submitted verified photomontages are located distant from the site and are taken when there is

significant visual screening by vegetation; neither view shows the site as it would be viewed from the R617 (scenic route) to the south. It is considered that there appears to be a significant difference in ridge heights between the proposal and the permitted dwellings at this part of the site, and this along with the proposed fifth dwelling and individual access driveways results in a suburban style layout. In terms of impact on residential amenity it is considered that a number of the house types have first floor bedroom windows which could cause overlooking and reduce privacy for occupants.

The report of the Planning Officer recommends a refusal of permission. The Senior Executive Planner and the Senior Planner agreed with the recommendation.

3.2.2 Other Technical Reports

Urban Roads and Street Design – No objection subject to conditions

Conservation Officer – Refusal recommended, having regard to the increased height and density of the proposal resulting in inappropriate development that would negatively impact on the historic landscape, setting and special interest of the former St. Ann's Hydropathic Establishment, a protected structure.

Area Engineer – Further Information recommended in relation to, inter alia, sightlines, proposed surface water drainage at the entrance to the proposed development and design of proposed soakaway.

Environment – No objection subject to conditions

Traffic: Regulation & Safety – No objection subject to conditions

Infrastructure Development – No objection

Housing – No objection subject to condition

Contributions Report – No objection subject to inclusion of a Section 48 contribution condition

3.3 Prescribed Bodies

Inland Fisheries Ireland request that Irish Water signifies there is sufficient capacity to accommodate effluent that would be generated so that the proposed development does not result in polluting matter entering waters.

The application was also referred by the Planning Authority to Uisce Éireann, An Taisce, The Arts Council, Fáilte Ireland and the Department of Housing, Local Government and Heritage. No responses were received.

3.4 Third Party Observations

Several observations were received by the Planning Authority. A summary of the issues raised is set out as follows:

Principle of development

- Disappointing that permission was given to develop the lands in the first instance. Damage will be done to the environment and landscape as a result.
- There are other lands in the wider area with no historical value which could be developed for housing.
- Non-compliance with Condition No. 2 of the parent permission, which limited the number of units in the southern part of the site.
- Provision of a green space / nature walk should be considered
- No more development should occur on green spaces identified on the lands
- Piecemeal nature of development

Density

- The permission stipulates residential development be of small scale and low density on the site. The increase in the number of houses on this part of the site will increase the density by 25%.
- Adjoining properties would be overlooked and overshadowed by the proposed development.
- Concerns raised regarding security and maintenance of boundary fences.
- Anti-social behaviour along woodland path.
- Original percolation testing done at driest time in the year (August 2018); new test requested.

Planning Policies

- Given the zoning of the site the local authority has an obligation / duty of care to ensure an area of open space is delivered for use by locals

Visual impact

- Historically all of the houses attached to the Hydro have been of single storey design.
- The new proposals result in a development which is significantly more prominent in the landscape. There is an increase in height of almost 3m for some units and an additional floor area of c 463 sqm.
- Proposal is over-scaled for the setting along a scenic route as set out in the Development Plan.
- The site is on the main tourist route from Killarney to Blarney The proposal on a hill would overpower the road below the site.
- Tourists and visitors to the area admire local views and the proposed development will negatively impact on the visual amenity of the area.
- The increased roof heights would impact on views and would not accord with all other houses on Hydro Hill
- The natural contours of the site will be destroyed by the proposed development.

Impact on Residential Amenity

- Overlooking and overshadowing impacts arise
- Security / safety concerns raised

Conservation

- Development of the Protected Structure should be completed first.
- Adverse impact of proposal on the integrity of the site and the Protected Structure. The Protected Structure, the Fulacht Fiadh and the historical parklands must be protected. Supporting information provided outlining that the size and scale of the proposal is inappropriate for this sensitive site and which details the national and international importance of St. Ann's Hydro.
- Fulacht Fia, parklands and protected structures must be protected

- Submission included from Southgate Associates (Heritage Conservation Specialists) outlining, inter alia, that the proposal is inappropriate for the location and would set an unwelcome precedent for the sensitive site.

Biodiversity

- There is significant wildlife in the area including buzzards nesting in trees around the site, a Eurasian jay, owls, red squirrels and foxes.
- Area is of high arboricultural importance.

Other issues

- Creation of an arboretum or nature walk would be of benefit to the community.
- Concerns that the small stream has backed-up causing surface water flooding.
- The R617 road culvert is at capacity; concerns raised regarding flood damage.
- New percolation testing required
- Proposal contravenes Objective X-01
- Proposal would introduce additional traffic congestion onto the adjoining road
- Housing will block views of landscape , affecting standards of living and value of property

4.0 Planning History

Lands including the appeal site within blue line boundary of the site

ABP-305373-19 / PA Ref.18/7111: Permission was granted in February 2020 for the construction of a nursing home, 29 no. detached houses (26 no. single storey and 3 no. 2 storey) and all ancillary site works. Partial demolition, conservation, refurbishment, alteration and change of use of the remains of the former St. Anns Hydropathic Establishment which is a Protected Structure (RPS 00815).

Relevant Condition:

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 19th 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.

P.A. 18/4230: Permission refused for 7 detached houses

Adjoining lands to the east

P.A. Ref. 23/42258 – Permission and retention permission granted in March 2024 for demolition of cottage, construction of dormer dwelling and to retain widened entrance and front boundary wall at Garland, St. Ann's Hill, Tower, Cork.

P.A. Ref. 19/4661 – Permission granted in 2019 for alterations to the layout of residential development of 54 no. dwellings permitted under 17/7253. The proposed alterations will involve a change of house type and layout to 21 of the previously permitted houses. The altered scheme will also include revisions to open space, play areas and internal road layout to that permitted under the previous application.

P.A. Ref. 17/7253 – Permission granted in 2018 for construction of a residential development of 54 no. dwelling houses and all ancillary site development works. Access to the proposed development will be via an entrance from the R617. While this application was appealed by a third party (ABP Ref. PL04.302263 refers), the appeal was subsequently withdrawn.

Adjoining lands to the west

P.A. Ref. 21/40128 – Permission granted in 2021 for a dwelling.

5.0 Policy Context

5.1 Revision of Local Government Boundary

5.1.1 In January 2019 legislation was passed which finalised the revision of Local Government boundary arrangements in Cork. Several towns including Blarney and Tower previously within the jurisdiction of Cork County Council changed to the administrative area of Cork City Council.

5.2 Development Plan

5.2.1 The relevant Development Plan is the Cork City Development Plan 2022-2028. Map 18 in Volume 2 of the current Development Plan sets out mapped objectives relating to Tower and its hinterland. The appeal site and the wider Hydro lands are zoned ZO 01 – Sustainable Residential Neighbourhoods and its objective as set out in Chapter 12 of Volume 1 is ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.’ Other than the Zoning Objective relating to the site there is no other mapped objective relating to the appeal site and the wider lands.

Paragraph ZO 1.1

‘The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City’s built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.’

Paragraph ZO 1.2

‘Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.’

5.2.2 Core Strategy: Tower is designated as an ‘Urban Town’ in the Development Plan. Table 2.6 provides a summary of key objectives for city growth. The role of Urban Towns in the Core Strategy is given as follows:

‘Phased delivery of strategic sites by targeting growth proportionate to the existing population within the four urban towns. All development shall focus on prioritising walking, cycling and public transport use. Apply a mixed-use approach to regenerating key underutilised locations. Use a range of designs and densities that reflect and enhance the individual character of each town.’

5.2.3 Housing:

Objective 3.1 Planning for Sustainable Neighbourhoods

Cork City Council will seek to:

a. Utilise the Urban Towns, Hinterland Villages and City Neighbourhoods as spatial units to develop sustainable neighbourhoods, employing the 15-Minute City concept;

5.2.4 Architectural and Built Heritage:

Hydropathic Establishment ('St. Anne's Hydro') is listed as a Protected Structure (PS1168) in Volume 3 of the Plan.

'Hydro' in the Townland of Kilnamucky is a Recorded Monument (C0062-235).

Chapter 8 relates to Built Heritage and includes the following:

Objective 8.2 relates to Protection of the Archaeological Resource.

'Objective 8.19 – Record of Protected Structures

To maintain a Record of Protected Structures (RPS) which shall include structures or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and which it is an objective to protect.

a. Any changes or alterations to the character of a Protected Structure which would in the opinion of Cork City Council, have a material effect on the character of the structure, will require planning permission;

b. Cork City Council will have regard to the relevant statutory guidance issued by the central government department responsible for the built heritage, including the Architectural Heritage Protection Guidelines for Planning Authorities;

c. Proposals for demolition of a Protected Structure shall not be permitted except in exceptional circumstances and where it can be shown that a greater public interest will be served which outweighs the loss to the architectural heritage;

d. Any alteration or demolition of a Protected Structure shall require the preparation of a full drawn and photographic record to Best Conservation Practice;

e. A broad range of uses will be considered for the regeneration / reuse of protected structures that are derelict / underutilised;

f. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building will be made and sent to the Cork City & County Archives and the Irish Architectural Archive for record purposes;

g. Where a planning application is being granted for development within the curtilage of a Protected Structure, the conservation of the protected structure will be prioritised as the first phase of the development to prevent endangerment, abandonment and dereliction.'

'Objective 8.20 – Historic Landscapes

Cork City Council will ensure that the designated and undesignated historic landscapes and gardens throughout the city are protected from inappropriate development and enhanced where possible.'

'Strategic Objective 7 – Heritage, Arts and Culture

To protect and reinforce the unique character and built fabric of the city, towns, villages, suburbs, neighbourhoods and places that make up the fabric of Cork City, both the character derived from the natural environment and the man-made character created by the built form. This will be achieved by protecting Protected Structures, archaeological monuments, and archaeological heritage and Architectural Conservation Areas, while providing opportunities for new development that respects the rich, historic built heritage of the city.

To identify, protect, enhance and promote Cork's unique cultural heritage and expression in an authentic and meaningful way. To foster and support the arts and culture in Cork City by encouraging new and improved facilities and by ensuring that arts and culture infrastructure are integrated into large-scale developments on key sites.

To support the development of a vibrant cultural and creative sector in the city as a key enabler of innovation, placemaking and community development throughout the city.

To support the role of Cork City as a significant domestic and international tourism destination and support the sustainable use and development of the city's tourism assets.

To ensure that heritage elements of archaeological, architectural and cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain.

Proposals for new development must have regard to the historic built heritage of the city, particularly Protected Structures, archaeological monuments and archaeological heritage and Architectural Conservation Areas, and any development that has a detrimental impact on these assets will not normally be acceptable.'

5.2.5 Section 6.37 of the Plan identifies seven specific Scenic Routes consisting of important and valued views and prospects within the City. One such designated scenic route is HVP3 (Road between Clogheen, Tower, and Blarney and the road to Blarney Lake) and relates to the R617 which runs along the southern part of the subject site.

5.2.6 Objective 6.14 relates to the Cork City View Management Framework.

5.2.7 'Objective 6.15 Development on Scenic Routes

- a. To protect the character of those views and prospects obtainable from scenic routes identified in this Plan;
- b. To require those seeking to carry out development in the environs of a scenic route to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area;
- c. To encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping.'

5.2.8 Chapter 10 of the Development Plan, 'Key Growth Areas and Neighbourhood Development Sites' includes information on Urban Towns including Tower. In terms

of population, it notes the young population with most households living in the town consisting of young families.

5.3 National Policy

National Planning Framework (NPF) 'Project Ireland 2040'

Ministerial Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

5.4 National Heritage Designations

5.4.1 The proposed site is not located within or in the vicinity of any European site. The nearest part of Cork Harbour SPA is Douglas Estuary located in excess of 12 km to the south-east of the site. The River Blackwater (Cork/Waterford) SAC is located in excess of 14km to the north of the site. The Great Island SAC is located c 17.5km to the east of the site. The Shournagh Valley proposed Natural Heritage Area is located north of the wider Hydropathic Establishment landholding.

5.5 EIA Screening

See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising changes to house types to that permitted under ABP-305373-19, along with the construction of one additional house, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

This is a first-party appeal against the decision of the Planning Authority to refuse permission. The grounds for appeal may be summarised as follows;

Changing context since grant of parent permission

- The issues raised by the Council in relation to the proposed development could have been addressed and resolved through a Further Information request to the applicant.
- Since permission was granted for the parent proposal, there have been changes in the surrounding context specifically approval of 2 storey housing at the Barter Wood development on adjoining lands to the east.
- The site formerly located in the administrative area of Cork County Council is now within the jurisdiction of Cork City Council. The previous special development objective (X-01) pertaining to the lands, set out in the Cork County Development Plan 2014, for the provision of small scale and low density residential development to the eastern and north-western part of the site is no longer applicable.
- The previously permitted dwellings on the lands were designed for those wishing to downsize. The proposed houses are larger and suitable for families. The need for family sized homes is paramount. The proposal will provide an additional 5 houses on a site well served by public transport, local services and amenities.
- Phase 1 of the overall development on the Hydro lands relates to residential development on the southern portion of the lands (which is relevant to this application), in addition to consolidation of works at the former St. Ann's Hydropathic Establishment. The redevelopment of the site and the protection of the remains / ruins are intrinsically linked and rely on the overall viability of the redevelopment of the lands.

Overdevelopment / Density

- The proposal will not result in overdevelopment of the lands. The development strikes an appropriate balance between providing houses which meet current market demands in the area, making use of underutilised land in an accessible location, while ensuring there is no impact on the heritage value of the Protected Structure.
- Increased densities are encouraged through national policies. The proposed development has a lower density in order to protect the built heritage and setting of the Protected Structure. A refusal of permission on high density grounds is not justified and is contrary to national policy.

Impact on Historic Landscape and Protected Structure

- The current Cork City Development Plan does not include any special objectives relating to the development of the appeal site or the wider lands.
- A Letter of Commentary from John Cronin and Associates Architects submitted with the appeal concludes that the proposal of 5 no. 2 storey houses on the site where 4 no. single storey houses have already been accepted does not impact on the Protected Structure, its curtilage, or its cultural heritage significance.
- In terms of impacts on the historic landscape two additional photomontages are submitted with the appeal, taken from the R617 scenic route and from Blarney Castle. The first photomontage shows there will be no impact on the scenic route when compared to the units already permitted on the site.
- No protected views of Blarney Castle are included in the Cork City Development Plan. The second photomontage shows there will be no further impacts on the view from Blarney Castle to the surrounding lands as a result of the proposal.
- Use of the site for residential purposes is already established. No additional designations such as Landscape Preservation Area or High Value Landscape pertain to the site.
- Overall heights / levels do not vary greatly from those previously permitted at this location. As such no additional impacts arise in terms of visual amenity compared to the development previously permitted.

Compliance with relevant planning policy

- While the Conservation Officer is of the view that the proposal does not comply with policies relating to the protection of the built heritage of the site, it is the case that residential development has been accepted on the site and the proposal does not impact on the Protected Structure or its curtilage.
- The development is of high quality and uses similar materials to those accepted under the parent permission.
- In terms of Objective 8.17, the protection of the ruins of St. Ann's Hydropathic Establishment is intrinsically linked to the redevelopment of the overall lands. Remediation works will be undertaken in tandem with the development in the southern portion of the overall site.
- In terms of Objective 8.19, no works to the Protected Structure are proposed as part of this proposition.
- In terms of Objective 8.20 the proposal is not an inappropriate form of development at this location. The site is zoned for residential development and the proposal is consistent with this zoning objective.
- The proposal fully complies with the Architectural Heritage Guidelines 2011.

The following documentation was submitted with the first party appeal:

- Report from John Cronin and Associates
- Photomontages prepared by Pedersen Focus Ltd.
- Notification of Decision to Refuse to Grant Permission – Reg. No. 23/41719

6.2 Planning Authority Response

None received.

6.3 Observations

4 no. observations were made in respect of the proposed development, 3 of which are from residents in the immediate vicinity of the site, while the fourth is from the owner of the Blarney Castle Estate, Blarney, Co. Cork. The submissions may be summarised as follows.

Douglas and Olwen Venn, Marantha Country House

- Historical significance of the site is detailed.
- Marantha was the on-site home of Sir Richard Barter of St. Ann's Hydropathic Company.
- The house operates as a B&B and many improvements / upgrades have been made to it in order to provide visitors / tourists with the best possible experience.
- The proposed development proximate to Marantha House would erode the tranquility and attractiveness of St. Ann's Hill.
- The local roads serving the area (R579 and R617) are inadequate, dangerous and without cycle way provision.
- Absence of contiguous pathway along the R617 route.
- The entire vehicular and pedestrian network between Blarney and Tower is inadequate in terms of current level of usage and demand and must be addressed before any further building is permitted.
- Current piecemeal approach to the Hydro site is faulty and does not fulfil planning procedures for a large 'area' development.

Charles Colthurst, Blarney Castle Estate

- Concern that the degree of change proposed will adversely impact on the sensitive character of the lands.
- The proposed houses will be significantly more prominent in the landscape with an increase in height of almost 3 metres for some units and a total additional floor area of c 463 sqm.
- The proposed development is inappropriate; it is over-scaled and dominates the open character of the area. The two storey houses interrupt the landscape, obscures the green background and detracts from the green character of the R617.

- A letter is included from Southgate Associates, Heritage Conservation Specialists, which concludes that the proposed amendments would form an inappropriate precedent on a culturally significant Victorian landscape along a designated scenic route.
- Reference made to Condition 2 of the Board's decision (ABP- 305373 -19) relating to the site which omitted housing units in the interest of visual amenity and having regard to the landscape character of the site. It is considered that this decision incorporated the standards of the ICMOS Burra Charter.
- Proposal would contribute to the erosion of the landscape value of the scenic route.

George Earle and Family, St. Ann's Hill

- Frustrating that permission was granted on the site in the first instance. Enormous damage will be caused to the landscape by the houses.
- The area is one of high arboricultural importance, with healthy animal and bird populations.
- The private avenue leading to the observer's house will become a tunnel.
- If permission is granted, a lesser number of houses should be permitted.
- Assurances are needed that no more development will happen in the green / open areas.
- Houses should be of single storey design as originally proposed. It should be stipulated that the standard of the development and materials are top quality.
- The Local Authority should insist on the development of a space, such as a nature walk or creation of an arboretum for public use.

The submission includes a copy of the observer's initial objection to the Planning Authority in respect of the proposal.

Zwena McCullough, Garden Lodge

- Observer sets out their connection to the Hydro.
- Identifies facilities lost in the area over the last 20 years, including a swimming pool and leisure centre.
- No dog parks or cycle paths in the area.
- Importance of preserving the R617 which is the main tourist artery from Blarney to Killarney. The proposed 2 storey houses would impact adversely on this route.
- The proposal will impact hugely on the Hydro parklands, on tourism and on allotment members.
- An adverse visual impact would arise; there will be a view of the roofs from the observer's property.
- Proposal is piecemeal development.
- Concerns raised in relation to the possibility of changing the original planning conditions which could set a precedent for further changes.
- Questions whether it is now affordable to build the nursing home, which was granted permission in 2019, given the increased cost of materials.
- If a Hydro protected structure is not maintained it might collapse and would no longer be a structure.
- The lands would be a perfect location for a luxury hotel and museum.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local

and national policies and guidance, I consider the substantive issues in this appeal to be considered are as follows:

- Land use and Nature of Development
- Impact on the Historic Landscape
- Impact on Architectural and Archaeological Heritage
- Visual Impact / Impact on Scenic Route
- Other Issues
- Appropriate Assessment

7.1 Land use and Nature of Development

7.1.1 Chapter 12 of the Cork City Development Plan 2022-2028 sets out the Land-use Zoning Objectives for the City. The appeal site is zoned ZO 01 – Sustainable Residential Neighbourhoods with a stated objective ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.’ As such, having regard to the residential zoning of the site, I consider the proposal comprising the construction of 5 no. two-storey houses is acceptable in principle at the proposed location.

7.1.2 As set out in section 5.1.1. above, Tower, previously within the administrative area of Cork County Council was reassigned to the Cork City Council administrative area in 2019 following the revision of Local Government boundary arrangements in Cork.

7.1.3 While under the administrative area of Cork County Council a Special Development Objective, X-01 – Special Policy Area, pertained to the subject site and the wider lands at St. Ann’s Hydropathic Establishment. This Special Objective as set out in the Blarney Macroom Municipal District Local Area Plan sought a 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 northwestern part of the site.

I note that this Special Development Objective is not carried over to the Cork City Development Plan 2022-2028 and therefore it no longer pertains to the appeal site and the wider adjoining lands at St. Ann's Hydropathic Establishment.

7.1.4 Part of the Planning Authority's refusal reason related to non-compliance with Zoning Objective ZO 1.2 of the Cork City Development Plan 2022-2028. This provision requires development to respect the character and scale of the neighbourhood in which it is situated; it also states development that does not support the primary objective of this zone to be resisted.

7.1.5 While I accept that the majority of housing approved under ABP-305373-19 is of single storey design, a small number of 2 storey dwellings were also permitted. Furthermore, I note that residential development in the immediate vicinity of the subject lands comprises a mix of single and 2 storey design. In terms of residential development opposite the lands at Gleann na Rí and Riverview Estate, these dwellings are predominantly of 2 storey design. Furthermore, the relatively new housing development, Barter Wood adjoining the St. Ann's Hydropathic Establishment lands to the east is also predominantly of 2 storey design. Having regard to the foregoing and given that the proposal relates to residential development which aligns with the primary objective of the zone I do not concur with the Planning Authority's conclusion that the proposition is contrary to Paragraph ZO 1.2 of the current Cork City Development Plan.

7.2 Impact on the Historic Landscape

7.2.1 A Conservation Plan and a Landscape Design Statement was submitted with the parent planning application (ABP-305373-19 / PA Ref. 18/7111 refers). The Conservation Plan set out the significance of St. Ann's Hydropathic Establishment as a historic place and an ecological refuge as well as providing, inter alia, a framework for the future appropriate development at the site. The Landscape Design Statement noted the nature of the large central open historic parkland of the site and it culminates in a landscape masterplan for the overall site, including the appeal site.

7.2.2 As referred to above, the principle of residential development on this particular part of the overall landholding has been accepted under ABP-305373-19 / PA Ref. 18/7111. In my opinion the proposal which relates to revised house typologies of two

storey design and the construction of 1 no. additional dwelling at this location is not an inappropriate form of development, as referred to in Objective 8.20 relating to Historic Landscapes, and would not lead to distortion of the historic landscape significantly over and above the degree permitted under the parent permission.

7.2.3 Having regard to the location of the proposed development on the overall Hydropathic Establishment lands it is apparent that the approach taken in the parent application to protect the southern part of the site from development in order to facilitate a buffer between it and the existing developed lands on the southern side of the public road, is maintained under this amendment proposal.

7.3 Impact on Architectural and Archaeological Heritage

7.3.1 The Conservation Officer's report raised concerns that the proposal by reason of its increased height and density would negatively impact the setting and special interest of the former St. Ann's Hydropathic Establishment which is a Protected Structure and as such would be contrary to Strategic Objective 7, Objectives 8.19, and 8.20 of the current Development Plan and to the Architectural Heritage Protection, Guidelines for Planning Authorities (2011).

7.3.2 I note that the parent permission has provided for the conservation and restoration of the Hydropathic Establishment, which is in a ruinous state. In this context, and under the parent permission for the wider landholding, all salvageable structures shall be appropriately conserved and incorporated in the permitted nursing home facility.

7.3.3 While the proposed development is situated within the curtilage of the former St. Ann's Hydropathic Establishment, I note that its location at the south-eastern part of the wider lands is at a significant remove from the Protected Structure, which is located at the north-western side of the overall landholding. As such, in my opinion, the proposed development does not have an adverse or detrimental impact on the setting and special interest of the Protected Structure and the archaeological heritage of the overall landholding. I do not therefore concur with the Planning Authority's view that the amendment proposal is contrary to the Architectural

Heritage Protection – Guidelines for Planning Authorities (2011), Strategic Objective 7 and Objective 8.19 of the current Cork City Development Plan.

7.3.4 The Conservation Officer's report raises concern in terms of the increased density of development arising from the proposed development and the negative impact this may have on the setting and special interest of the Protected Structure. This issue is carried into the Planning Authority's refusal reason which states that the proposal constitutes overdevelopment of a sensitive site.

7.3.5 While I acknowledge the sensitivities associated with the appeal site and the adjoining wider Hydropathic Establishment lands, in my view the proposed amendment development which provides for two storey houses and one additional house does not constitute overdevelopment. If permitted, the proposition would have a density of five units per hectare on the appeal site, which I consider to be very low and does not constitute overdevelopment.

7.3.6 In this context I note that the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) indicate residential densities in the range of 50 dph to 250 dph generally to be applied in city-urban neighbourhoods of Dublin and Cork. Whilst the density of the proposed development is considerably lower than that provided for in the Sustainable Residential Development and Compact Guidelines, I note that the appeal site and the wider Hydropathic Establishment lands are recognised as being of particular heritage and landscape value. Having regard to these sensitivities, in my view the quantum of housing proposed for the appeal site is acceptable in this instance.

7.3.7 To conclude, in my view the proposal does not interfere with the archaeological significance of the central part of the wider site (Fulacht Fia – SMR No. C0062-227) or the setting of the former Hydropathic Establishment located at the north-western part of the wider lands, which is a Protected Structure and archaeological site (SMR No. C00620-235). I concur with the findings of the report prepared by John Cronin & Associates submitted with the appeal, specifically that the amended housing proposal does not impact on the former Hydropathic Establishment, its curtilage or its cultural heritage significance. Separately I note that the planning application was

issued by the Planning Authority to the Department of Housing, Local Government and Heritage which did not provide a response or raise concerns in relation to the proposed development.

7.4 Visual Impact / Impact on Scenic Route

7.4.1 The proposed 5 no. 2 storey houses would be located on a sloping site at the south-eastern side of the overall landholding which is well screened by existing woodland and trees. I acknowledge that the proposed development is different from the development previously permitted on the appeal site. However, in my view, given the undulating nature of the lands and the screening of the appeal site by the established woodland and trees, the proposed development would not negatively impact on the visual amenity of the area.

7.4.2 When approaching the site from the west by way of the public road it is apparent that only the southern section of the overall landholding adjoining the public road is readily visible and in this context, I note that the proposed development, while located in the southern half of the overall Hydropathic Establishment lands, is situated on elevated lands above the R617 approximately 60 metres from the southern site boundary and in the area of the well-screened eastern site boundary, which does not adjoin the public road. Similarly, when approaching the overall landholding from the east (i.e., from Blarney) the appeal site is not overtly visible or notable.

7.4.3 St. Ann's Hydropathic Establishment lands are adjacent to scenic route HVP3 which relates to the R617 adjoining the southern part of the overall lands. The Planning Authority's refusal reason stated that the proposal would negatively impact upon a scenic route and as such would be contrary to Objective 6.15 of the current Cork City Development Plan.

7.4.4 The applicant submitted 2 no. verified photomontages of the proposed development with the planning application. Both views were taken from the southern side of the R617, View 1 from within the Gleann na Rí residential development and the second to the east of the subject lands. The Planning Authority was not satisfied

that these views represented an accurate depiction of the proposed development and questioned the locations chosen and the foliage cover.

7.4.5 As part of the appeal submission the applicant provided two additional verified photomontages. The first is taken from the footpath on the northern side of the R617, south-west of the site. From this viewpoint / perspective the rooftop of one of the proposed dwellings is visible. The second photomontage is taken from Blarney Castle, c 1.7 kms from the appeal site.

7.4.6 As referred to above the proposed development is located on lands at the south-east side of the overall Hydropathic Establishment landholding, and set back from the public road and scenic route HVP3; the site is also screened by established woodland and trees. As such, I do not consider that the proposal would have a detrimental impact on this protected route.

7.4.7 Having regard to the foregoing I am satisfied that the proposed amended development would accord with Objective 6.15 of the Cork City Development Plan 2022-2028 which requires, inter alia, the protection of views and prospects from development which could negatively affect them.

8.0 Other Issues

8.1.1 Impact on Residential Amenity

8.1.2 Having regard to the design of the proposed scheme and the separation distances to existing adjoining property, I am satisfied that the proposed development would not result in any significant negative impacts on the residential amenity of property in the vicinity in terms of overlooking, overshadowing or overbearing impacts.

I note the concern raised in third party submissions concerning the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.1.3 The proposal comprises large, detached houses on generous plots. The Housing Quality Assessment provided demonstrates the development exceeds minimum standards in several areas including floor areas, storage provision and private amenity space. In this regard the proposal offers a very good standard of residential amenity to future occupants.

8.1.4 I note however that there are overlooking impacts from the first floor bedrooms of House No. 2 (Type E) onto the open space associated with House No. 1. If the Board is minded to grant permission for the proposed development, I recommend inclusion of a condition requiring this matter to be addressed prior to commencement of development.

8.1.5 Part V

A Part V proposal for 1 no. 3 bedroom house on the wider lands accompanied the planning application. If the Board is minded to grant permission a section 96 condition should be included.

9.0 **Appropriate Assessment**

9.1 Having regard to the nature and limited scale of the proposed development and the significant separation distances between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

10.0 **Recommendation**

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

11.0 **Reasons and Considerations**

The proposed development located within the development boundary of Tower on lands zoned for residential development accords 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 St. Ann's Hydropathic Establishment, a Protected structure. The proposed development accords with the character of the area and would not impact on the scenic route HVP3. The proposal accords 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.

12.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the conditions of planning appeal reference number ABP-305373-19, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to commencement of development, the developer shall submit revised drawings and plans for the written agreement of the Planning Authority,</p>

	<p>which demonstrate that no undue overlooking impacts arise from the rear first floor bedroom windows of House No. 2 onto the private open space associated with House No. 1.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Details of the height and construction of all new boundaries associated with the proposed development shall be submitted for the agreement of the planning authority prior to commencement of development.</p> <p>Reasons: In the interests of residential and visual amenity and clarity.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>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.</p> <p>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.</p>

7.	<p>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.</p> <p>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.</p>
8.	<p>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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy
Planning Inspector

7th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316276-23		
Proposed Development Summary	Construction of 5 no. dwellings.		
Development Address	Lands associated with the former St. Ann's Hydropathic Establishment, St. Ann's Hill, Kilnamucky, Tower, Blarney, Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10 (500 DHS)	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316276-23	
Proposed Development Summary	Construction of 5 no. dwellings.	
Development Address	Lands associated with the former St. Ann's Hydropathic Establishment, St. Ann's Hill, Kilnamucky, Tower, Blarney, Cork	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is not exceptional in the context of the existing environment.</p> <p>Construction waste can be managed through standard Waste Management Planning. Localised construction impacts will be temporary.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	No. The site area is c 1 ha.	No

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	No.	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No. The nearest part of Cork Harbour SPA is Douglas Estuary located in excess of 12 km to the south-east of the site. The River Blackwater (Cork/Waterford) SAC is located in excess of 14km to the north of the site. The Great Island SAC is located c 17.5km to the east of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		