



An
Bord
Pleanála

Inspector's Report ABP-316779-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Former Hydropathetic Establishment, St Annes Hill, Kilnamucky, Tower, Blarney, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	CRK-RZLT-32
Appellant(s)	OMD (C) Limited
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site an irregular shaped site located to the north of the St Ann's Hill road, to the north east of Tower, Cork. The site consists of a number of fields which are under grass/ trees/ shrubs. The site slopes steeply on a south to north axis from the public road. To the north west of the site are the remains of sheds/ agricultural buildings and other structures.
- 1.2. The adjoining lands are primarily in agricultural use, though there are allotments located to the west of the site. The lands to the south of the public road are primarily in residential use. The River Shournagh is located to the north east of the site.

2.0 Zoning and Other Provisions

- 2.1. The subject lands are included within the Settlement Boundary of the Cork City Development Plan 2022 – 2028. The subject site is zoned ZO 01 – 'Sustainable Residential Neighbourhoods' with an objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.

3.0 Planning History

- 3.1. PA ref. 18/7111/ ABP Ref. 305373-19 refers to a February 2020 decision to grant permission for the construction of a nursing home, 21 no. detached houses 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).

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map for the following reasons:
 - They have only recently acquired the lands and hope to commence work on the approved permission. Phasing details have been agreed with Cork City Council.

- Known archaeological remains on site reduce the development potential of these lands for residential development.
- Part of the site is approved as a nursing home and should be removed from the map.
- Only part of the lands should be included on the map.

A number of supporting maps and aerial photographs are provided with the submitted appeal.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. The lands were suitably zoned for residential development, and it is reasonable to consider that they can be serviced as required for such development. It is also reasonable to consider that the lands is not affected by contamination or known archaeological/ historic remains.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The planning/ site history is provided. It is hoped that construction will commence on the approved development.
- Part of the site is constrained by known archaeology.
- The permitted development includes a Nursing Home and the area of land it is located on should be omitted from the map.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.

- 7.2. From the available information, the lands are suitably zoned, and services are available for their development for residential uses. I note that permission has been granted for development on site, but there is no certainty that this will take place. The nursing home may or may not be a feature of these lands.
- 7.3. The presence of archaeology may not impact on the development potential of lands for residential use. Known archaeological sites may be incorporated into on site development. This is a matter that can be addressed through development management.
- 7.4. The lands can be developed for residential uses and services can be provided in the area to enable such development. The lands should remain on the map.

8.0 Recommendation

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be kept on the map.

9.0 Reasons and Considerations

- 9.1. The appellant requested that their site be removed from the map due to the fact that permission has been received for residential development here, however the location of a known archaeological site and a proposed nursing home, should be omitted from the map.
- 9.2. The lands are suitably zoned for residential development, the lands can be serviced, and the principle of development has been established by the grant of permission for a residential scheme here. The lands should remain on the map.

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

Paul O'Brien
Planning Inspector

7th September 2023