



An
Bord
Pleanála

Board Direction
28.RP2156

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 2nd 2018.

The Board determined that the amount of the contribution required to be paid under condition 15 of planning permission register reference number 15/36427 (An Bord Pleanála reference number PL28.245773) is €10,164.25.

Board Order as follows:-

WHEREAS by Order dated the 29th day of March 2016, An Bord Pleanála, under planning register reference number 15/36427 (An Bord Pleanála reference number PL28.245773), granted, subject to conditions, permission to Cormac O'Connor for the demolition of the former TSB bank building and the construction of new retail premises including butcher shop, meat preparation area, store, office, delicatessen and restaurant together with all ancillary works at Iona Road, Mayfield, Cork.

AND WHEREAS condition number 15 attached to this permission required the developer to 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, and that in

default of agreement in relation to the details of the application of the terms of the Scheme the matter was to be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

AND WHEREAS the developer and the planning authority failed to agree on the amount of the contribution to be paid pursuant to condition 15.

AND WHEREAS the matter was referred by the developer to An Bord Pleanála on the 18th day of September 2017, for determination.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act 2000, as amended, and for the Reasons and Considerations set out below, hereby determines that the amount of the contribution required to be paid under condition 15 of planning permission register reference number 15/36427 (An Bord Pleanála reference number PL28.245773) is €10,164.25.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) sections 34(5) and 48 of the Planning and Development Act 2000, as amended,
- (b) the provisions of the Cork City Council Development Contribution Scheme 2015 – 2016
- (c) the submissions on file, and the planning history of the site

the Board considered it appropriate that the development contribution payable would relate solely to the net additional development area, over and above the area of the previous building being demolished, rather than to the total floor area of the proposed development, in accordance with Table 5 “Reductions in respect of specified categories of development” of the Development Contribution Scheme. In this regard, the Board was satisfied that the proposed development would not constitute a substantial intensification of use over the previous use, and would not be likely to increase demands on services.

Board Member

Date: 11th July 2018

Philip Jones