

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: T.P. 16/36746

An Bord Pleanála Reference Number: PL 28.246506

APPEAL by Colin O’Keeffe care of McCutcheon Halley Walsh of 6 Joyce House, Barrack square, Ballincollig, County Cork in relation to the application by Cork City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 7 and of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 8 of its decision made on the 1st day of April, 2016.

PROPOSED DEVELOPMENT: Substantial demolition of existing workshop/garage and existing western boundary wall (which is the eastern wall of Blackpool Retail Park); construction of new garage/workshop; alterations of remaining existing garage/workshop for use as ancillary stores; reconstruction of existing dwelling frontage for use as office, reception area, staff canteen and stores and alterations to existing vehicle entrance at 32 Dublin Street, Blackpool, Cork.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 7 and directs the said Council to AMEND condition number 7 so that it shall be as follows for the reason stated.

Furthermore, the Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, also based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 8 and directs the said Council to AMEND condition number 8 so that it shall be as follows for the reason stated.

7. The developer shall pay to the planning authority a financial contribution of €3,601 (three thousand, six hundred and one euro) 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. The application of any indexation required by this condition 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.

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.

8. The developer shall pay to the planning authority a financial contribution of €1,315 (one thousand, three hundred and fifteen euro) in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS

The Board considered that in calculating the amount to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Cork City Council General Development Contribution Scheme, 2015-2016 and the Cork City Council Supplementary Development Contribution Scheme, 2015-2016, as adopted, had been improperly applied in respect of conditions numbers 7 and 8 in that the proposed development comes within a specified category of development subject to an exemption or reduction in the amount payable pursuant to Tables 5 and 4 of the respective Schemes. On this basis, the Board considered that the proper application of the scheme would result in no financial levy in respect of the proposed change of use of the existing dwelling to residential as the change of use would not involve an intensification of use for the purposes of the Scheme and that financial levies in respect of section 48 and section 49 Development Contributions should be applied to the nett additional garage floor area only (that is, 66.86 square metres)

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.