
An Bord Pleanála



Inspector's Report

Ref.: PL28.245949

Development: Extension to the side and rear and change of use of the existing ground floor of a former school hall to function room, bar and restaurant with ancillary outdoor seating area. The proposed works include the demolition of the existing side elevation and the construction of a single storey extension to the side of the school building. The proposed extension to the rear of the building will provide a new bar utility room, toilets and cold room. The proposed development includes the relocation of an existing ESB substation with access from Blackmore Lane, a lean to roof, modifications to the rear façade of the former school including an extension of the steel gangway at first floor level and all ancillary site development works.

Sullivan's Quay, Cork.

PLANNING APPLICATION

Planning Authority: Cork City Council

Planning Authority Ref.: 14/36230

Applicant: Finbarr O'Shea

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant: Mary Saunders

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 20th April, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located along Sullivan's Quay between Barrack Street and Sober Lane on the southern bank of the River Lee in Cork City Centre in an area which can be characterised as mixed-use given the presence of a variety of retail and commercial outlets, including small shop units, offices, restaurants and public houses, whilst the site of the former 'Beamish and Crawford' brewery is located a short distance away to the northwest. The site itself has a stated site area of 0.0468 hectares, is irregularly shaped and forms part of a larger landbank occupied by 'The Flying Enterprise' public house and its associated beer garden. It generally comprises two distinct elements, namely, the two-storey former school building situated alongside Sullivan's Quay and an area of publicly accessible space to the immediate west of same which presently accommodates an ESB substation and a series of bicycle stands. At present, the existing structure appears to be vacant and underutilised, although it is used in part for storage purposes and office accommodation associated with the adjacent public house. The site adjoins Sullivan's Quay and Sober Lane to the north and east respectively with the lands to the south occupied by wider premises of 'The Flying Enterprise' through which access to the existing structure can be obtained. To the immediate west is an area of public open space and a narrow gated laneway known as 'Blackmore Lane' which serves to separate the application site from 'Forde's' public house.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the following:

- The change of use of the ground floor of the former school building to a function room, bar and restaurant (floor area: 211.7m²).
- The demolition of the existing western gable elevation of the school building and the construction of a single storey extension to the side of same in order to provide an additional internal seating area (floor area: 33.4m²).
- The construction of a single storey extension to the rear of the school building to provide a new bar utility room, toilets and cold room (floor area: 75.41m²).
- The provision of an outdoor seating area to the immediate west of the former school building.
- The relocation of an existing ESB substation with access from Blackmore Lane, a lean-to roof, modifications to the rear façade of the former school,

including an extension of the steel gangway at first floor level, and all ancillary site development works.

N.B. Although the subject application has been accompanied by proposals for the redevelopment / improvement of the public area / realm to the immediate west of the application site at the junction of Sullivan's Quay and Barrack Street, it should be noted that these works are located outside of the confines of the application site and would appear to have been provided as an indicative suggestion of how the area could be developed in the future with the agreement of the Local Authority.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

PA Ref. No. 08/33275. Was granted on 5th September, 2008 permitting Finbarr O'Shea permission to retain a rear extension, and an outside dining area located within an existing covered yard to the rear at The Flying Enterprise, Barrack Street, Cork.

PA Ref. No. 14/36185. Was granted on 16th January, 2015 permitting Finbarr O'Shea permission for internal alterations to part of the existing ground floor of the school building at Cove Street, Cork and for permission to retain the change of use of the former school yard at Sober Lane to outdoor dining area associated with The Flying Enterprise public house and restaurant, Barrack Street, Cork. The proposed alterations to the existing ground floor of the existing building will facilitate the change of use of part of the ground floor to store room, offices and fire exit ancillary to The Flying Enterprise. An additional fire exit is also proposed from the existing school to Sober Lane and the provision of both fire exits will require alterations to the existing facades. Permission is also sought for retention of the covered seating area, pizza bar, and outdoor seating area within the former school yard at Sober Lane. All at Sober Lane & Cove Street, Cork

3.2 On Adjacent Sites:

PA Ref. No. 9923275. Was granted on 1st July, 1999 permitting Mary Saunders permission for the reconstruction of roof and also incorporating two dormer windows at Fordes Bar, Barrack Street, Cork City.

PA Ref. No. 9923445. Was granted on 23rd September, 1999 permitting Finbarr O'Shea permission for change of use from domestic to restaurant, erection of

extension as fire escape, change of layout & change of shopfront at 3-5 Barrack Street, Cork City.

PA Ref. No. 0125656. Was granted on 11th January, 2002 permitting Finbarr O'Shea permission to extend existing basement for use as bar storage at 3-5 Barrack Street, Cork City.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

Following the receipt of a response to a request for further information, on 11th December, 2015 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 11 No. conditions which can be summarised as follows:

- Condition No. 1 – Refers to the submitted plans and particulars.
- Condition No. 2 – Requires full details of a revised fenestration treatment along the front (quayside) elevation, a signage strategy, and the colour scheme of any external painting of the building, to be agreed with the Planning Authority prior to the commencement of development.
- Condition No. 3 – Restricts the display of further signage and prohibits the erection of canopies, security shutters or grills.
- Condition No. 4 – Refers to the repair / refurbishment of the existing timber windows and requires the details of same to be agreed with the Planning Authority prior to the commencement of development.
- Condition No. 5 – Clarifies that permission is not granted for the proposed outdoor seating area / screen barriers to the west of the site.
- Condition No. 6 – Refers to archaeological requirements.
- Condition No. 7 – Refers to surface water drainage and also prohibits any gates / doors from impeding or obstructing the public footpath / road.
- Condition No. 8 – Refers to construction management, waste management, noise control and the installation of any service plant, including ventilation / extraction systems.
- Condition No. 9 – Places a limit on the hours of construction and the associated noise levels.
- Condition No. 10 – Refers to foul and surface water drainage.

Condition No. 11 – Requires payment of a development contribution in the amount of €5,959.

4.2 Objections / Observations:

A single submission was received from the appellant and the principle grounds of objection contained therein can be summarised as follows:

- The absence of any existing / established right of access to the application site via Blackmore Lane
- Loss of amenity and security
- Health and safety concerns
- Interference with the existing access arrangements serving the objector's property / premises.
- Concerns with regard to the disposal / sale of publicly held lands.

4.3 Internal Reports:

Drainage Division: An initial report stated that there was no objection to the proposed development subject to conditions. Following the receipt of a response to a request for additional information, a further report stated that the site-specific flood risk assessment provided by the applicant was considered to be satisfactory.

Roads: Recommends that further information be sought in relation to the proposed relocation of 2 No. electricity mini-pillars and a multiple bike rack.

Environment, Waste Management & Control: No objection subject to conditions.

Corporate and External Affairs (Property Dept.): No observations or comments.

4.4 Prescribed Bodies / Other Consultees:

Irish Water: No objection subject to conditions.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The proposed development includes for the installation of new access gates at the boundary of Blackmore Lane and Sullivan's Quay School, however, the existing site layout plan identifies the location of these gates as 'Old Entrance to School' which is considered to be misleading as

although there is an existing pedestrian door at this location, this was used to provide access to toilet facilities inside the wall for residents of three buildings on Sullivan's Quay which were demolished approximately 20 years ago. The existing door does not provide access to the school and there has been no throughway from Blackmore Lane to the school for over 70 years.

- The installation of the aforementioned door is not required for fire safety purposes and the only possible reason for the provision of same is to facilitate deliveries to the premises. This will give rise to health and safety concerns for both the staff and patrons of the appellant's premises as there is no footpath on the southern side of the laneway onto which her property has two pedestrian accesses. In addition, the principle access to the appellant's residence is also obtained from Blackmore Lane.
- Following discussions with the City Council, the appellant is in the process of applying for a licence to install seating along Blackmore Lane and thus any use of the laneway for delivery purposes will impede that usage.
- The introduction of vehicular traffic will be inimical to the running of the appellant's public house and will give rise to health and safety concerns for both her and her family.
- The existing vehicular entrance serving Mr O'Shea's premises on Sober Lane or the entrances onto Cove Street and Barrack Street could be used for the receipt of deliveries without risk to health and safety.
- In view of the foregoing, it is submitted that the proposed doors / gates providing access to Blackmore Lane should be omitted from the proposed works.
- The appellant erected a security gate and railings at the end of the laneway in excess of 20 years ago with the permission of the City Council due to its secluded nature and as a result of instances of anti-social behaviour in the area. It would appear that the gate and railings are to be removed as part of the proposed works and that the height and length of the existing buttress wall at the end of the school building is to be increased. It is submitted that this will add to the secluded nature of the area thereby making it more attractive to anti-social elements than was previously the case. The proposed works will also result in the appellant being left without a gate to her backyard thereby significantly reducing the security of her premises.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

No further comments.

6.2 Response of the Applicant:

- The proposed development seeks to change the use of the former school hall on Sullivan's Quay in order to provide for a function room, bar and restaurant use which will complement the existing 'Flying Enterprise's' functions.
- At present, the existing school house building has no entrance onto Sullivan's Quay and thus access is only available via the courtyard located to the rear of same. Given the restricted nature of the adjacent footpath, it is not possible to open an entrance onto Sullivan's Quay and, therefore, in order to facilitate the creation of an access to the building, the applicant has reached an agreement with the Local Authority to purchase a portion of land to the west. The acquisition of this land will allow the applicant to carry out essential structural works to the western gable of the existing building as detailed in the engineering report prepared by Denis O'Sullivan, Consulting Engineers. It will also facilitate the construction of a modest extension to the side of the existing building and the creation of an outdoor dining space immediately adjacent to an existing area of public open space.
- The submitted proposal includes for the relocation of an existing ESB substation from alongside the western gable of the school building in order to facilitate the proposed development. Furthermore, the applicant has agreed that the relocated substation will be accommodated on his lands and that he will fund the costs associated with same.
- The applicant has invested in developing his vision for the area which involves the former school hall acting as a catalyst for public realm improvements in the area. In this respect it should be noted that construction is imminent on the event centre permitted under ABP Ref. No PL28.239383 on the former 'Beamish and Crawford' site and thus there will be a requirement for additional and improved amenities to cater for this significant attraction.
- Given that the existing building has no entrance onto Sullivan's Quay, the provision of an access from the western gable represents the only manner in which the applicant can effectively provide access to the building.
- The proposed change of use will provide for the appropriate and viable use of a prominent building which has remained vacant for some time and

will also result in the provision of an additional social amenity for the City Centre.

- Whilst the applicant has been unable to allay the appellant's concerns as regards his equal right to use of the public lane, he is satisfied that he has successfully demonstrated the potential benefit arising from the appropriate use of Blackmore Lane for both the appellant's business and the proposed development.
- During the course of previous meetings with the appellant, the potential of Blackmore Lane as an outdoor seating area for 'Forde's' public house was highlighted by the applicant and subsequent to same the accompanying landscaping analysis and indicative proposal was prepared for the lane and the public space at the end of Barrack Street. From the grounds of appeal, wherein the appellant has stated that she is *'in the process of applying for a licence to install seating on Blackmore Lane'*, it would appear that the aforementioned proposals have met with her approval and that she has no objection to the increased use of Blackmore Lane provided the use of this public lane is restricted to and benefits her.
- The applicant has previously indicated a willingness to enter into an agreement with the appellant regarding his use of Blackmore Lane in order to ensure that this did not impinge on his 'vision' for the lane and the public space at the end of Barrack Street as a new public plaza which would also serve to benefit the appellant.
- The Local Authority has confirmed that Blackmore Lane is a public lane and that the public rights over it have not been extinguished.
- During the course of meetings with the Local Authority it was reiterated that Blackmore Lane is a public lane and that there was no evidence of a planning or other consent having been granted to the appellant to erect the existing gates.
- Whilst the motivations of the appellant may have been genuine at the time as regards the erection of the gates, the gating of public areas is no longer viewed as an appropriate manner by which to discourage anti-social behaviour. Instead, the applicant's proposal which would have resulted in increased usage, lighting and CCTV is now viewed as the more appropriate and effective means of discouraging anti-social behaviour in city centre locations.
- It is proposed to avail of Blackmore Lane for occasional deliveries and emergency escape. It is not intended to use the access in question as a primary entrance to any part of 'The Flying Enterprise'.

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- The appellant's concerns primarily relate to management issues and in this regard it is submitted that it is the responsibility of Cork City Council to manage the city's lanes, streets and roads.
 - The applicant is amenable to agreeing his use of the laneway with the Local Authority.
 - The potential for Blackmore Lane as an outdoor seating area was highlighted by the applicant and the means by which the appellant could protect her property and maintain private parking through the relocation of the gates is illustrated on the accompanying drawings (Drg. Nos. L111 & L112).
 - The imposition of Condition No. 5 by the Planning Authority, which prevents the proposed outdoor seating, is disappointing and would appear to be due to the existing visual clutter caused by the bicycle stands and various utility boxes. It is considered that the inclusion of such a condition is short-sighted as the provision of outdoor seating could act as a catalyst for the upgrading of the area through the removal of visual clutter as has been presented by the applicant and to which the Property Section of the Local Authority has indicated a commitment to implementing.
 - The appellant would appear to be unwilling to allow Blackmore Lane to be used to serve the common good. Instead, she proposes to intensify the use of this public lane whilst objecting to its use by anyone else.
 - The appellant's misgivings can be easily accommodated through a management agreement brokered, licenced and enforced by the Planning Authority and thus the submitted appeal is without merit.

7.0 RESPONSE TO SECTION 131 NOTIFICATION:

7.1 Department of Arts, Heritage and the Gaeltacht:

- Recommends that Condition No. 6 as imposed in the notification of the decision to grant permission, which requires the applicant / developer to consult with the Cork City Archaeologist as regards archaeological monitoring of all groundworks, be retained in the schedule of conditions in the event of a grant of permission on appeal.

8.0 NATIONAL AND REGIONAL POLICY

8.1 The 'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural

Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect protected structures and development within their curtilage or attendant grounds.

9.0 DEVELOPMENT PLAN

Cork City Development Plan, 2015-2021:

Land Use Zoning:

The proposed development site is located in an area zoned as 'ZO 2: City Centre Commercial Core Area (CCA)' with the stated land use zoning objective 'To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)'.

Explanatory Note:

The Commercial Core Area reflects the commercial and employment zone of the City Centre extending from the City Centre Retail Area. All uses are permitted throughout the CCA, except comparison retail uses, which are restricted to the City Centre Retail Area. Retail uses serving local needs only are open for consideration in this zone.

Other Relevant Sections / Policies:

Chapter 3: Economic Strategy:

Objective 3.13: Commercial Leisure:

To ensure that all major commercial leisure developments are located in accordance with a sequential test approach. The priority will be City Centre locations, followed by edge of centre, then district centres and neighbourhood centres. The availability of a choice of transport modes will be essential. Smaller scale pubs and restaurants will be open for consideration in these centres as well as local centres and areas zoned "Residential, Local Services and Institutional uses" provided residential amenity and traffic aspects are acceptable.

Chapter 8: Arts, Cultural Heritage and Tourism:

Objective 8.7: Public Realm:

Identify and implement public realm improvement projects for the city's waterfront areas as part of the network to link

the major cultural tourism attractions and amenity areas. Initial focus will be on developing proposals for the south facing quays on the South Channel.

Chapter 9: Built Heritage and Archaeology:

Objective 9.1:

Strategic Objectives: Built Heritage and Archaeology:

- a) To promote the protection of the heritage of the city and the implementation of the Heritage Plan;
- b) Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain;
- c) Promote the retention reuse, and enhancement of buildings and other elements of architectural or other significance;
- d) Ensure that development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales;
- e) Improve and encourage access to and understanding of the architectural heritage of the city.

Objective 9.4:

Archaeological Heritage:

Cork City Council will aim to protect, record and promote the rich archaeological heritage of the city.

Objective 9.7:

Preservation of archaeological remains in-situ:

In accordance with national policy (and in the interests of sustainability) impacts on the buried archaeological environment should be avoided where possible.

Objective 9.8:

Development within the historic core:

Where large-scale opportunity sites within the medieval historic core are available for development a policy of minimising the impact on the archaeological resource will be promoted. Any proposed development will be assessed on the level and amount of undisturbed archaeology present on the site.

Objective 9.22: *Reuse and Refurbishment of Historic Buildings and Protection of Archaeological Resource:*

The City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses. In addition, it is recognised that the protection and retention of historic buildings within the medieval city, has the dual advantage of protecting the rich archaeological resource and the Recorded Monument of the City Wall

Objective 9.29: *Architectural Conservation Areas:*

To seek to preserve and enhance the designated Architectural Conservation Areas in the City.

Objective 9.30: *Demolition in Architectural Conservation Areas:*

Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

Objective 9.31: *Recording of Structures in Architectural Conservation Areas:*

Where in exceptional circumstances a structure or a part of a structure which is considered to contribute to the special character of the area, is permitted to be demolished, it should first be recorded prior to demolition, and where appropriate should be monitored during demolition.

Objective 9.32: *Development in Architectural Conservation Areas:*

Development in ACAs should take account of the following:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted;
- Acceptable design, scale, materials and finishes for new developments;
- Original materials and methods of construction should be retained. For example, timber barge boards, windows

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- and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.;
- Features of historic or architectural value should not be removed.

N.B. The proposed development site is located within the ‘*South Parish Architectural Conservation Area*’ and is also situated within the ‘*Medieval Historic Core*’ of Cork City.

Chapter 13: City Centre and Docklands:

Objective 13.8: *Leisure and Entertainment Uses:*

The City Council will support the development of leisure and entertainment facilities such as restaurants, public houses, music and dance venues, visitor attractions and other leisure facilities in the City Centre to facilitate the needs of residents and visitors and contribute to the vibrancy of the area. Applications for new development will be treated on merit but discouraged in areas where conflicts with established residents are likely to arise. The Cork City Council will control location, size and activities of entertainment uses that are likely to attract large numbers in order to safeguard residential amenity, environmental quality and the established character of parts of the City Centre.

Objective 13.9: *Cultural Precincts:*

In Barrack Street and Douglas Street in the South Parish Cultural Precinct and in Shandon Street and Church Street in the Shandon Cultural Precinct the City Council will encourage and support uses and developments which will assist the growth of cultural, tourist related and small to medium scale cultural business activities such as bars, restaurants and small offices suitable for cultural businesses. Consideration will also be given on these streets to proposals for small scale independent and specialty retailers. Proposals will be viewed in terms of their contribution to the mix and diversity of cultural uses and to their potential to enhance the areas cultural, visitor and tourist potential.

N.B. The proposed development site is located within the ‘*South Parish Cultural Precinct*’.

Objective 13.12: *Tackling vacancy and dereliction:*

Cork City Council will implement measures to tackle problems of vacancy and dereliction in and around the City Centre and elsewhere in the city. An overall strategy will be developed to tackle dereliction, including active use of the legal powers available under the Derelict Sites Act (e.g. placement on the Derelict Sites Register, acquisition, and legal notices requiring works to be carried out). The strategy will include actions to address:

- Strategic sites in the City Centre;
- Derelict buildings and gap sites in the City Centre and along the Historic Spine;
- Derelict houses and other buildings/sites in suburban areas.

Objective 13.23: *Beamish and Crawford/Grand Parade Quarter:*

The support the development of a new mixed use quarter at the western end of the city centre centred on the development sites at Beamish and Crawford, Grand Parade and Sullivan’s Quay and to examine the potential for this area to become a creative, civic, entertainment and residential quarter within the City Centre.

Chapter 16: Development Management:

Section 16.96: *Public Houses/Night Clubs/Disco-bars/Dance Floors:*

Public houses and night clubs etc. play an important role in the city providing a night-time use which adds to the attractiveness of the city. The City Council's approach to such developments in the City Centre and Docklands is outlined in Chapter 13 (Objective 13.8 Leisure and Entertainment Uses). Cork City Council shall ensure all applications for new or extensions of existing uses such as public houses, other licensed premises, nightclubs, disco-bars and dance floors protect residential and visual amenity. They will not be permitted in residential areas. An over-predominance of these uses in any particular area, whether through redevelopment, refurbishment or extension will not be permitted. In applications for such developments the onus will be on the applicant to demonstrate that the proposed new entertainment use, an extension to an existing entertainment use

or variation in opening hours would not cause harm to residential or adjoining amenity, environmental quality or the established character and function of the area

South Parish Area Action Plan, 2010:

Section 3.0: *Traffic and Public Realm*

Section 3.2: *Barrack Street Area:*

Design Proposals:

- The public space at the junction of Barrack Street and Sullivan's Quay should be upgraded. This should include: relocation of services within the space, resurfacing; and could include a kiosk to animate the space and to improve the appearance of the blank Christian Brothers School gable wall and possibly a work of public art to mark the entrance to the South Parish.

Section 3.4: *The Quayside:*

Aim: To improve the quality of the public realm on George's Quay and Sullivan's Quay and to reduce the dominance of vehicular traffic.

Design Objectives:

- To provide a generous and attractive pedestrian realm and to maximize the potential of these landmark spaces;
- To provide for the needs of the City Centre Traffic Management Plan;
- To improve the connectivity of pedestrian routes from the City Centre Island to South Parish and along the quays themselves;

Section 4.0: *Built Heritage and Archaeology*

Section 6.0: *Development Strategy*

10.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design / impact on built heritage / archaeological considerations

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- Impact on the amenities of neighbouring property
 - Flooding implications
 - Appropriate assessment

These are assessed as follows:

10.1 The Principle of the Proposed Development:

10.1.1 The proposed development site is located in an area which is zoned as 'ZO 2: City Centre Commercial Core Area (CCA)' with the stated land use zoning objective '*To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)*'. Within these areas it is the policy of the Planning Authority to permit all commercial uses (with the exception of comparison retailing) and thus the development of an entertainment and leisure use comprising a new public house with an associated restaurant and function room would appear to be acceptable in principle. Furthermore, I am satisfied that the subject proposal is supported by Objective 3.13: '*Commercial Leisure*' of the Development Plan which identifies the City Centre as the priority location for major commercial leisure developments with smaller scale pubs and restaurants also being held to be 'open for consideration' in such areas. Additionally, I would refer the Board to Objective 13.8: '*Leisure and Entertainment Uses*' of the Plan which specifically states that the Planning Authority will support '*the development of leisure and entertainment facilities such as restaurants, public houses, music and dance venues, visitor attractions and other leisure facilities in the City Centre to facilitate the needs of residents and visitors and to contribute to the vibrancy of the area*', although it should be noted that this provision emphasises that any such proposal will be assessed on its merits having regard to the potential impact of the development proposed on the residential amenity, environmental quality and the established character of parts of the City Centre.

10.1.2 In addition to the foregoing, further credence is given to the subject proposal as a result of its location within the '*South Parish Cultural Precinct*' and its immediate proximity to Barrack Street where Objective 13.9: '*Cultural Precincts*' states that developments which will assist in the growth of cultural, tourist related and small to medium scale cultural business activities, including bars and restaurants, will be supported. It is also of relevance to note that the proposed development would appear to find support from its location either within or in close proximity to the '*Beamish and Crawford / Grand Parade Quarter*' referenced in Objective 13.23 of the Development Plan '*where the development of a new mixed use quarter at the western end of the city centre centred on the*

development sites at Beamish and Crawford, Grand Parade and Sullivan's Quay is envisaged and where the potential for the development of a creative, civic, entertainment and residential quarter within the City Centre is to be examined. In a wider context I would also suggest that the redevelopment of this city centre site should be welcomed given that it will make a positive contribution to the rejuvenation of the wider area through the re-use of an otherwise vacant property.

10.1.3 Therefore, on balance, I am satisfied that the overall principle of the proposed development is acceptable, subject to the further consideration of the specifics of the site context and the potential impact of the proposal on the amenities of the surrounding area, with particular reference to the residential amenity of nearby properties.

10.2 Overall Design / Impact on Built Heritage / Archaeological Considerations:

10.2.1 The proposed development site is located within *Sub Area 'B': '18th Century streets between Evergreen Street and South Channel'* of the *'South Parish Architectural Conservation Area'*, which is characterised by its grid of regular streets running between the older arterial roads leading into the old city (Evergreen, Douglas & Abbey Streets) and the subsequently developed quaysides of Sullivan's Quay and George's Quay (originally Roche's Quay), wherein it is the aim of the Planning Authority to protect the special characteristics and distinctive features of the area from inappropriate actions. With regard to the existing school building on site, it is of further relevance to note that whilst it has not been included in the Record of Protected Structures as set out in the City Development Plan, it has nevertheless been deemed to be of considerable built heritage interest by reason of its designation in the National Inventory of Architectural Interest as a structure of 'regional' importance due to its architectural, historical and social interest qualities. Accordingly, it is necessary to consider the overall impact of the submitted proposal on the wider character and built heritage of the surrounding area.

10.2.2 The proposed development consists of the extension and change of use of the ground floor of the existing former school building in order to provide for a new public house / bar with an associated restaurant and function room in addition to the provision of an ancillary outdoor seating area (*N.B.* It is not proposed to change the use of the first floor of the property). The principle works to the existing structure will involve the demolition of the western gable and the subsequent reconstruction of same with the further construction of a single storey

extension to the side of the building in order to provide an additional internal seating area whilst a second single storey extension will be constructed to the rear of the building to accommodate a new bar utility room, toilets and cold room. Notably, with the exception of the proposed re-building of the western gable which is seemingly urgently required for structural reasons (*N.B.* During the course of the site inspection significant cracking was evident on the internal face of the western gable which could be held to be indicative of structural movement / failing within the wall itself), no further alterations are proposed to the principle elevations of the existing structure which face onto public areas (i.e. Sullivan's Quay and Sober Lane) and thus the overall character of the school building will be retained thereby preserving this aspect of the streetscape and its wider contribution to the Architectural Conservation Area. Whilst some alternations and elevational changes are proposed to the rear (southern) elevation of the existing building (which faces onto an external seating area / beer garden associated with 'The Flying Enterprise' public house), primarily to accommodate the construction of the proposed rear extension and to provide access to the new function room, it is my opinion that these works are of a relatively minor scale and will not unduly detract from the wider appreciation of either the existing structure or the surrounding area. Internally, it is proposed to erect a number of partition walls and it has been suggested that these interventions will be of a reversible nature.

10.2.3 With regard to the proposed extension of the existing structure, I am inclined to suggest that the new addition to the rear of the former school building is generally acceptable in terms of its overall design and visual impact given that it will be sited within the confines of an existing external seating area / beer garden and thus will be screened from public view by existing walls / buildings etc. In respect of the new single storey extension to the western gable of the existing building, it is clear that this will be more visually prominent given its riverside location and positioning relative to the junction of Sullivan's Quay and Barrack Street. In my opinion, the overall design of this extension is generally acceptable in that it does not detract from the character of the main building whilst it also represents a considerable visual improvement over the existing blank gable wall and the associated buttressing which makes little contribution to the streetscape at this key focal point. Whilst I would accept that the use of mosaic tiles as an external finish to this aspect of the development is perhaps somewhat unusual, I am inclined to suggest that it does serve to distinguish the new construction from the original building fabric and that any concerns in this regard could be satisfactorily addressed by way of condition.

10.2.4 On balance, I am satisfied that the proposed change of use and the associated construction works will not detract from the wider character of the prevailing streetscape or the South Parish Architectural Conservation Area and that the proposal represents an appropriate usage of an otherwise underutilised and vacant property in a key city centre location which is suitably respectful of the site context and its built heritage considerations.

10.2.5 In relation to the proposal to develop an outdoor seating area alongside the western elevation of the new side extension between Blackmore Lane and Sullivan's Quay, in the first instance I note that the subject application has been accompanied by correspondence from the Property Section of the Local Authority which has consented to the lodgement of the application in respect of those lands retained in its ownership. Secondly, I would reiterate that although the application includes wider proposals for the redevelopment / improvement of the public area / realm to the immediate west of the site at the junction of Sullivan's Quay and Barrack Street, these works are located outside of the confines of the application site and would appear to have been provided for indicative purposes only in suggesting how the area in question could be developed in the future with the agreement of the Local Authority. In any event, it is my opinion that the inclusion of the outdoor seating within the submitted proposal is acceptable in principle and serves to achieve in part a design objective set out in the South Parish Area Action Plan, 2010 for the Barrack Street Area which specifically seeks to upgrade the public space at the junction of Barrack Street and Sullivan's Quay in order to animate the space and to improve the appearance of the blank school gable wall and possibly a work of public art to mark the entrance to the South Parish.

10.2.6 In terms of archaeology, I would advise the Board that the proposed development site is situated within the '*Medieval Historic Core*' of Cork City and that the Department of Arts, Heritage and the Gaeltacht has sought the imposition of a condition as regards the archaeological monitoring of all groundworks in the event of a grant of permission. In this respect, whilst I note the likelihood of previous instances of ground disturbance on site (such as would be associated with the laying of services to the existing ESB electrical circuit boxes), and although the extent of the proposed development and any necessary groundworks will be somewhat limited, given the site location in an area of considerable archaeological potential, I would concur that the inclusion of a condition requiring the archaeological monitoring of all groundworks associated with the proposal would be appropriate in this instance.

10.3 Impact on the Amenities of Neighbouring Property:

10.3.1 Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the amenity of the appellant's adjacent business premises (i.e. 'Fordes' public house) primarily by reason of the necessity to remove an existing security gate from along Blackmore Lane in order to provide access to the rear of the site for delivery and emergency access purposes and also to allow access to the relocated ESB substation. In this respect I would advise the Board that the appellant has asserted that the existing gate and railings were erected in excess of 20 years ago with the permission of the City Council as a result of instances of anti-social behaviour in the area and in order to secure her property. In response, the applicant has submitted that the Local Authority has confirmed that Blackmore Lane is a public lane and that the public rights of way over it have not been extinguished and thus he has an entitlement to avail of same. Furthermore, the applicant has claimed that there is no evidence of a planning or other consent having been granted to the appellant to erect the existing gates.

10.3.2 On the basis of the foregoing, it is clear that there is disagreement between the relevant parties as regards the status of the existing security gates at the end of Blackmore Lane whilst the appellant would also seem to dispute the applicant's entitlement to avail of the laneway as a means of access to the rear of his property given that there has apparently been no throughway from Blackmore Lane to the site of the former school for in excess of 70 years.

10.3.3 Whilst I would acknowledge the appellant's desire to secure the rear of her property from trespass etc. given the secluded nature of Blackmore Lane, it is not the function of the Board to adjudicate on matters pertaining to legal rights of way / property disputes etc. and the resolution of any such concerns is essentially a civil matter between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

10.3.4 With regard the proposal to use Blackmore Lane as a means of access for delivery purposes etc., it is of relevance to note that the proposed development would appear to be intended to function as a commercial premises separate from 'The Flying Enterprise' (although provision has been included for the proposed function room to access 'The Courtyard' external seating area / beer garden) and that the existing school building does not have any direct means of access at present onto either Sullivan's Quay or Sober Lane (other than through the

adjacent beer garden / seating area). Therefore, if the former school building were to be redeveloped in isolation from any neighbouring properties (e.g. 'The Flying Enterprise' public house), it would be necessary to ensure the provision of a suitable means of access for deliveries etc. and thus the subject proposal of utilising Blackmore Lane would seem a possible option. In this respect the presence of loading restrictions along both Sullivan's Quay and Sober Lane, combined with the need to avoid unnecessarily obstructing the free-flow of traffic in the vicinity of the premises due to the limited carriageway width of Sullivan Quay and the proximity of the junction with Barrack Street, would seem to lend some support to the provision of an alternative means of accessing the application site via Blackmore Lane, although it seems unlikely that this would completely obviate the need for loading to be conducted from the main roadway. Furthermore, I would suggest that cognisance must be taken of the constraints arising from the site location within a busy city centre and the fact that any proposed delivery access off Blackmore Lane would be likely to be conducted in a similar manner to that associated with the appellants' premises i.e. 'Fordes' Bar, whilst it should also be acknowledged that the subject proposal could potentially be accessed (for delivery purposes) through the remainder of the applicant's landholding (including 'The Flying Enterprise') either from Barrack Street or possibly through the adjacent beer garden via the existing access arrangement onto Sober Lane. Therefore, it is my opinion that the proposal to utilise Blackmore Lane as a means of access for delivery purposes etc. is acceptable in principle.

10.3.5 In respect of the appellants future intentions as regards the possible usage of Blackmore Lane to accommodate external seating associated with her own business premises, I do not propose to comment on this issue on the basis that it is a matter for determination by the Local Authority in the first instance.

10.3.6 In terms of the potential for the proposed development to detract from the amenity of neighbouring properties by reason of noise, odours, nuisance and general disturbance typically associated with licenced premises, in view of the proliferation of other late-night entertainment / leisure establishments in the surrounding area, which include a number of restaurants and public houses, I would suggest that the overall impact of the proposed development on the wider amenity of the area will be somewhat limited. Accordingly, given the site location within a mixed use area in the city centre where uses such as that proposed are encouraged to locate pursuant to Objective Nos. 13.8 & 13.23, in my opinion, concerns with regard to the control of noise etc. can be satisfactorily addressed

through the imposition of appropriate conditions in the event of a grant of permission

10.4 Flooding Implications:

10.4.1 The proposed development site is located along Sullivan's Quay on the southern bank of the River Lee in Cork City Centre and, therefore, in view of the well-documented history of flood events in the wider area, it is necessary to consider the potential flood impact of the subject proposal. In support of the foregoing, I would refer the Board in the first instance to the *'National Flood Hazard Mapping'* prepared by the Office of Public Works, wherein it is apparent that although the proposed development site is not located within an area identified as having previously been subject to flooding, it is nevertheless located in the immediate vicinity of several recorded flood events, including instances further east along Sullivan's Quay and also at the junction of Sullivan's Quay with Barrack Street. Accordingly, consideration must be given to the requirements of Chapter 12: *'Environmental Infrastructure and Management'* of the Cork City Development Plan and, in particular, to Objective 12.15: *'Restrictions on Development in Flood Risk Areas'* wherein it is stated that development in identified flood risk areas, including floodplains, will be restricted except in those instances where the proposal satisfies the Justification Test as outlined in *'The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009'*. It should also be noted that Objective 12.17: *'Flood Impact Assessment'* of the Plan requires planning applications for significant developments impacting on flood risk areas to be accompanied by a Flood Impact Assessment identifying the potential loss of floodplain storage and detailing proposals for the storage or attenuation (e.g. SUDS) of run-off discharges (including foul drains) in order to ensure that the development proposed does not increase the flood risk in the relevant catchment.

10.4.2 In response to a request for further information issued by the Planning Authority, the applicant has submitted a Flood Risk Assessment prepared by Declan O'Sullivan & Associates, Consulting Engineers, which has sought to assess the risk to the proposed development from all potential sources of flooding and the necessity for the implementation of suitable mitigation measures where appropriate. This FRA proceeds to refer to the Lee Catchment Flood Risk Assessment and Management Study (Lee CFRAMS), which utilised hydraulic modelling to produce a variety of flood maps for the area, and specifically references the fluvial and tidal flood mapping which details the extent of flood events of various AEPs for both current and Mid-Range Future Scenarios (MRFS). In this respect I would advise the Board that the proposed development

site is partially located within the current 0.1% (1 in 1,000 chance in any given year) AEP fluvial flood extent which would equate to 'Flood Zone B' as defined by the 'Planning System and Flood Risk Management, Guidelines for Planning Authorities' (N.B. Whilst the FRA has suggested that the site is located within Flood Zone 'C', given that the CFRAM mapping details the site location as partially within the extent of a 0.1% AEP flood extent and that the areas beyond same would be considered to have a lesser flood risk, it is my interpretation pursuant to the definitions of the relevant flood zones set out in the Section 2.23 of 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009' that the application site is actually located within Flood Zone 'B' i.e. within the projected extent of a 1 in 1,000 flood event). Furthermore, it should be noted that the mapping for the Mid-Range Future Scenarios indicates that the majority of the site will be inundated with fluvial flooding for the 1% AEP (1 in 100).

10.4.3 With regard to tidal flooding it would appear that part of the existing school building and the courtyard area is within the current 0.1 % AEP flood extent (1 in 1,000 chance in any given year) whereas the mapping for the Mid-Range Future Scenario suggests that the site will be partially within the 10% AEP flood extent (1 in 10 chance in any given year) and the 0.5 % AEP flood extent (1 in 200 chance in any given year).

10.4.4 Having established that the application site is located within Flood Zone 'B' as defined by the FRA Guidelines i.e. where the probability of flooding from rivers is considered to be moderate (between 0.1% or 1 in 1,000 and 1% or 1 in 100 for river flooding), I would refer the Board to Table 3.1 of the Guidelines which sets out the classification of various land uses / development types which are either highly vulnerable, less vulnerable or water-compatible and in this respect it is noteworthy that whilst the former use of the existing building as a 'school' would have constituted a 'Highly Vulnerable' form of development', the proposed use as a public house / restaurant / function room (i.e. a leisure / commercial use) can be classified as a 'Less Vulnerable' type of development. Accordingly, in view of the site's location within the 1 in 1,000 year flood level (Flood Zone 'B') and the nature of the proposed development, the subject proposal would be deemed to be 'appropriate' as per the criteria set out in Box 5.1 of the Guidelines and thus does not have to demonstrate compliance with the 'Justification Test'.

10.4.5 In any event, with regard to the proposed change of use of the existing school building, I would advise the Board that Section 5.28 of the FRA Guidelines

(as amended by Circular PL 2/2014) states that most changes of use of existing buildings are unlikely to raise significant flooding issues (unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances) and that *'Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply'*, although it is acknowledged that any such applications should be accompanied by a commensurate assessment of the flood risk to demonstrate that they would not have an adverse impact or impede access to a watercourse, floodplain or flood protection and management facilities. Accordingly, the proposed change of use of the existing building on site would seem unlikely to result in any increase in flood risk elsewhere. Similarly, in relation to the proposed construction of the new extensions, I would refer the Board to the provisions of Section 5.28 of the Guidelines which also references applications for minor development such as small scale infill within areas of flood risk. It is of further relevance to note that there is a recognition in Section 3.7 of the Guidelines that notwithstanding the need for future development to avoid areas at risk of flooding, the existing urban structure of the country includes many well established cities and urban centres which will continue to be at risk of flooding and that centres such as Cork City have been targeted for growth in the National Spatial Strategy and Regional Planning Guidelines, taking account of historical patterns of development and their national and strategic value.

10.4.6 In addition to the foregoing, the submitted FRA has confirmed that the finished floor level of the proposed development will be 3.27mOD (i.e. the same as the existing school building) which is above the predicted 1 in 100 year flood level for both tidal and fluvial flood events at the present time, although it is accepted that it will be below the predicted 1 in 100 year flood level in the Mid-Range scenario which allows for climate change and associated sea level rises. It has also been asserted that the existing school building and the adjacent 'Flying Enterprise' public house have never flooded, including during the severe flood event of November, 2009, and thus the proposed development will not result in the displacement of flood waters (through a loss of flood storage) nor will it have any significant impact on the existing flood regime as regards the conveyance of flood waters.

10.4.7 The FRA subsequently notes the emerging preferred proposal being developed part of the Lower Lee Flood Relief Scheme which includes for the construction of direct flood defences along the quay walls, although Section 2.25 of the FRA Guidelines states that the presence of flood protection structures

should be ignored in determining flood zones as such areas continue to carry a residual risk of flooding from overtopping or breach of the defences.

10.4.8 In terms of further mitigating any residual flood risk on site, the FRA states that it is proposed to install proprietary flood barriers to all doors as a precaution against future flood events and that all opes, doors or service openings etc. will be fitted with flood barriers or non-return valves, whilst reference is also made to a safe route of egress from the building towards higher ground being available from the courtyard area and 'The Flying Enterprise' public house.

10.4.9 Having considered the foregoing, and following a review of the available information, it is my opinion, on balance, that the submitted proposal includes for an adequate assessment of the risk of flooding and thus satisfies the requirements of the 'Planning System and Flood Risk Management, Guidelines for Planning Authorities' and is unlikely to have any adverse impact on the existing flood regime of the area.

10.5 Appropriate Assessment:

10.5.1 From a review of the available mapping, it is apparent that whilst the proposed development site is not located within any Natura 2000 designation, it adjoins the River Lee which flows into the Cork Harbour Special Protection Area (Site Code: 04030) approximately 3km to the southeast and the Great Island Channel Special Area of Conservation (Site Code: 1058) at a distance of 10km east. Having regard to the overall design, nature and intended use of the proposed development, the nature of the receiving environment, the availability of public services, and the separation distance relative to the nearest designated sites, it is my opinion that the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on the European sites identified above in view of the sites' conservation objectives and an appropriate assessment (and submission of a NIS) is not therefore required.

11.0 RECOMMENDATION

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

Reasons and Considerations:

Having regard to the nature and scale of the proposed development, the pattern of development in the area, the existing use of the application site and adjacent lands, and the provisions of the Cork City Development Plan, 2015, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenity of the area, would be in accordance with the policies of the development plan, would support the primacy and vibrancy of the city centre and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 plans and particulars submitted on the 16th day of November, 2015, 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. Prior to commencement of development, full details of signage to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and to protect the character of the Architectural Conservation Area and the streetscape.

3. No awnings, canopies, roller shutters or additional external lighting shall be erected or displayed on the premises or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the Architectural Conservation Area and the streetscape.

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4. Details for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The approved scheme shall be implemented before the use commences and thereafter be permanently maintained.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

5. 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. Uncontaminated surface water from the roof area shall be discharged to the surface water sewerage network. All kitchen waste outfalls shall be fitted with grease traps.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

7. No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: To safeguard the amenities of the area and in the interest of orderly development

8.
 - a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The

background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.

- b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - i) during a temporary shutdown of the specific noise source, or
 - ii) during a period immediately before or after the specific noise source operates.
- d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.
- e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

- 9. Details of the arrangements in relation to deliveries during the operational phase of the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

- 10. Detailed proposals in relation to refuse storage, including adequate provision for recycling, shall be submitted to and agreed in writing with the planning authority and implemented prior to occupation of the development.

Reason: In the interest of amenity and orderly development.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i) the nature and location of archaeological material on the site, and
- ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. 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

Signed: _____

Robert Speer
Inspectorate

Date: _____