



An
Bord
Pleanála

Inspector's Report PL28.247307.

Development	Change of use of two storey building, formerly dental hospital to 7 apartments. Construction of extension to include 2 maisonettes and 2 apartments an ancillary works.
Location	8-9 John Redmond Street, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	16/36835.
Applicant(s)	Jonathan Chattey & John O'Meara on behalf of J & K Group.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Shandon Area Renewal Association
Observer(s)	None
Date of Site Inspection	21 st October 2016
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located on John Redmond Street, situated north of North Channel in Cork City Centre in the Shandon Area. The character of John Redmond Street is defined by the rising gradient in a south to north direction and a curving street pattern. The building heights are generally two to four storeys in height.
- 1.2. The existing building, the subject of the appeal, is in use as a community arts centre and is two-storey in height. The existing building is accessed from John Redmond Street and from the rear of the building where there is currently a car park.
- 1.3. The existing front elevation facing onto John Redmond Street has a pebble dash finish and concrete plaster surrounds the windows. There is a fan-light above the main front door entrance. There is also a fire escape door on the ground floor front elevation onto John Redmond Street. The windows throughout the front elevation facing onto John Redmond Street are pvc.
- 1.4. There is a modern 4-storey apartment building situated to the immediate south of the appeal site. The neighbouring building to the immediate north of the appeal site is a two-storey building with a contemporary mansard roof.

2.0 Proposed Development

- 2.1. The proposed development is for the provision of 11 no. apartments. The composition of the apartments is as follows;

Unit	Type of Unit	Floor Area	Level
Apartment no. 1	1-bed	51 sq. m .	Ground Floor
Apartment no. 2	1-bed	63 sq. m	Ground Floor
Apartment no. 3	1-bed	54 sq. m	Ground Floor
Apartment no. 4	1-bed	54 sq. m	Ground Floor
Apartment no. 5	1-bed	61 sq. m	First Floor
Apartment no. 6	1-bed	53 sq. m	First Floor
Apartment no. 7	2-bed	90 sq. m	First Floor

Apartment no. 8	3-bed duplex	102 sq. m	Second / third Floor
Apartment no. 9	2-bed dulex	89 sq. m	Second / third Floor
Apartment no. 10	3-bed	88 sq. m	Second Floor
Apartment no. 11	3-bed	83 sq. m	Third floor

- 2.2. The proposed development does not include any public open space provision. However each apartment is served by private open space provision. Apartment's no. 1, 2, 5 and 6 are served by winter gardens, whereas apartment's no. 3, 7, 8, 9, 10 and 11 are served by roof terraces.
- 2.3. The proposed development includes bin storage provision (5 sq. m.) and the proposal includes bicycle storage provision (8 sq. m.). The individual apartments all include storage provision.
- 2.4. There is no car parking provision within the proposed development. The apartments all have a dual aspect orientation with the primary orientations facing west and east.

3.0 Planning Authority Decision

- 3.1. The planning authority decided to granted planning permission subject to 15 conditions. The conditions are standard for the nature of the development proposed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The zoning objective of the site allows for the proposed development.
- Two of the three-bed apartments fall short of the floor area standards. However a degree of flexibility is considered appropriate given the quality of the apartments.
- The private open space provision is acceptable given the limited potential for provision of private open space on the site.

- The proposed development provides no car parking provision and given its city centre location this is considered acceptable.
- The cycle parking provision is insufficient.

3.2.2. Other Technical Reports

- Roads Design Planning; - No objections. General Development Contribution of €26,123.46 and supplementary contribution of €4,774.39 recommended.
- Drainage Division; - No objections.
- Strategic Planning and Economic Development; - the site is exempt from social housing requirements.
- Conservation Officer; - The principle of the roof extension is acceptable. The applicant is requested to submit a detailed photographic survey of the existing building.
- Environment Section; - Recommends planning condition in relation to waste storage.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- There is one third party objection and the issues have been noted and considered.

4.0 Planning History

- 4.1. L.A. Ref. 01/25229 – Permission granted for conversion of existing light industrial unit to offices and ancillary works.

5.0 Policy Context

5.1. Development Plan

5.2. Cork City Development Plan, 2015 – 2021, is the operational Development Plan.

5.3. The appeal site is zoned '3-Inner City Residential Neighbourhood'. The objective is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.

5.4. Part C – Chapter 16 sets out guidance in relation to residential development.

5.5. National Guidelines

5.6. Sustainable Residential Development in Urban Areas, 2009

5.7. The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

5.8. Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2015

5.9. These guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards.

6.0 The Appeal

6.1. The following is the summary of an appeal submitted by the Shandon Area Renewal Association;

Unit Mix

- 55% of the units are 1-bed and the overall development is skewed in favour of 1-bed units to the detriment of 2-bed and 3-bed units.
- The City Development Plan states that no more than 15% of units shall be 1-bed units, up to 50% 2-bed units and at least 35% 3-bed units.
- There is therefore a deficit of family friendly units and as such a lack of balance in the community.

Unit Size

- Two of the 3 bed units fail to meet the minimum floor area of 90 sq. m. and as such internal spaces suffer.
- It is submitted that minimum storage requirements fail to meet the updated guidelines and the spaces available are diminished.
- The roof-terraces appear to be recessed balconies.
- Two of the balconies are situated to the front of the building (apartment no. 9 and no. 11) fail to meet the minimum depth of 1.5m.

Bin / Bicycle Storage

- The proposed 8 sq. m. bicycle storage is clearly inadequate.
- There is no provision for car parking.
- Bin storage is inadequate and cannot be assessed from within the development.
- 11 apartments require individual space for a 3 bin system requiring 0.23 sqm per bin. The total amount required for the 11 no. apartments is 7.59 sq. m whereas the provision is 5 sq. m.

Architectural Design

- The present building is included in the National Inventory of Architectural Heritage.

- The NIAH notes that the subject building makes a notable contribution to the streetscape.
- It is contended that to impose a two-storey extension on this historic building would destroy its architectural character.
- The current proposal is overdevelopment of the site and would adversely affect the existing structure.

6.2. Applicant Response

6.3. The following is a summary of a response submitted by the applicant's agent;

Planning Policy – Principle of Development

- The site is zoned 'Inner City Residential Neighbourhood'.
- The City Council is committed to protecting the established housing stock in the local area. This will be achieved by preventing any incongruous development types and providing the range of local service provision required to ensure attractiveness and vibrancy.
- It is contended that the proposed residential use is consistent with the zoning objective.

Tenure

- The appellant argues that the proposed development has secured an inconsistent tenure size.
- It is contended that the proposed development provides for a diversity of tenure suitable for this edge of city location.
- The proposal seeks to maintain the integrity of the existing building plan.
- It is submitted that the existing building has an historic linear-wedge type footprint and makes an architectural contribution towards the curved and rising streetscape.
- It is submitted that maintaining the unique external shape of the existing building presents design challenges.

- It is submitted that the provision of living spaces and winter gardens has been achieved with little impact on the external character of the existing building.
- The extension to the upper floors allows for greater flexibility in internal design and subsequently greater opportunity for larger apartment sizes.
- The separate proposal referred to by the appellant (L.A Ref. 16/36838) is for a new build and is not restricted by the adaptation of older building stock into new uses.
- It is submitted that the physical constraints and fabric of the current appeal property substantially differ from the new build example cited by the appellant.
- It is submitted that the mix of units proposed are consistent with the character of this city centre location.
- The proposal would not result in an excessive concentration of one particular unit.

Unit Size

- The floor area of the proposed 3-bed units is dictated by the circumstances of the existing building.
- Apartment no. 9 is a duplex unit with dual aspect orientation. This apartment also has dual aspect balconies with an east and west orientation.
- Apartment no. 11 has a north, east and west aspect and is a penthouse style apartment.
- The 3 bedroom units of no. 10 and no. 11 share the same footprint.
- It is submitted that the large circulation space serving both apartment no. 10 and no. 11 could be revised and additional internal space afforded to apartment no. 10 and no. 11.
- Alternatively, the third bedroom in each of these units could be omitted and therefore providing two-bedroom units.
- These changes outlined above would have no external impacts on the existing building.

- It is the applicant's preference not to reduce the unit size however if this were a critical issue it is considered that such an issue could be addressed by a planning condition.

Bin / Bicycle Storage

- The revised bin storage area is now 7 sq. m. This bin storage area is acceptable to the planning department and the Environment Section of the local authority.

Architectural Design

- The proposed development will result in the reuse and adaptation of an old building.
- The reuse of the old building will contribute towards the renewal of the Shandon Area which is an objective of the appellant's organistaion.
- It is submitted that the appellant does not submit any compelling argument that the proposed development would represent an incongruous form of development that would be an excessive scale and therefore contrary to the proper planning and sustainable development of the area.
- The subject property is not on the RPS.
- The architectural heritage of the subject building is based on its notable contribution to streetscape.
- It is submitted that the most effective means of building preservation is to allow future adaptation of buildings to modern and sustainable uses.
- The long term maintenance of the building maybe compromised by continued vacancy and potential dereliction.
- The geometry and shape of the building do not allow for the easy conversion of the building.
- It is submitted that effective means of building preservation is about adaptation of older buildings.

- The proposed development clearly respects the architectural character of the existing building. The primary elevations are retained in situ with only minor alteration to some window detailing.
- The characteristic geometry of the footprint is maintained.
- The proposed upper floors are respectful of adjoining properties.
- It is contended that the existing building retains its visual dominance in the streetscape with the proposed upper floors appearing secondary in the streetscape.

Visual Amenity

- There are a number of photomontages submitted with the proposed development.
- It is contended that the photomontages make it evident that the rising topography of John Redmond Street northward and the character of adjacent properties ensure that there is available capacity to accommodate development at the upper floors of the subject building.
- The visual capacity is established by the proportions, scale and height of modern four storey property further north and modern upper floor extension to the older property immediately north.
- There is a 4-storey modern apartment building located on the south-side of John Redmond Street. This building has contemporary finishes.
- Although the proposed development is contemporary in design and finishes it is not too dissimilar to the established context. Therefore, the proposed development would not introduce an incongruous form of development.
- The proposed development would not detract from the special character of streetscape for which an architectural conservation area has been established to preserve the character.
- It is also notable that the Conservation Officer of Cork City Council has no objections to the proposed development.

6.4. Planning Authority Response

The following is the summary of a response submitted by the local authority;

- It is submitted that the planning application at no. 37 – 40 Shandon Street (L.A. Ref. 16/36838) is a new build.
- Whereas the current proposal before the Board (L.A. Ref. 16/36835) is a retrofit to an existing NIAH building.
- Accordingly, greater flexibility was applied for the current application.
- It is submitted that most of the 1-bed and 2-bed apartments are located on the ground floor where there is limited scope to retrofit the building.
- The proposed new build extension at second floor level and third floor level incorporates larger units including duplex units.
- The remainder of the issues raised in the appellant's submission have been dealt with within the planner's report.
- It is concluded that the proposed development is consistent with the City Development Plan and the proper planning and sustainable development of the area.

7.0 Assessment

The main issues to be considered in this case are: -

- Principle of Development
- Dwelling Size / Mix
- Residential Amenity
- Architectural Heritage / Character

7.1. Principle of Development

- 7.1.1. The objective of the land-use zoning pertaining to the appeal site is *'is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions'*.

- 7.1.2. It is national policy/ guidance (i.e. Sustainable Residential Development in Urban Areas, 2009) to promote residential densities in urban areas in close proximity to services and public transport. The appeal site offers an opportunity to fulfil these national objectives as the subject site is located within Cork City Centre and the proposal would increase the density of a vacant building in this built-up area.
- 7.1.3. Overall I would consider that the principle of residential development on the appeal site is acceptable given the zoning objectives pertaining to the site and national policy / guidance however any development would need to have regard to both proposed and established residential amenities and the character of the area.

7.2. Dwelling Size / Mix

- 7.2.1. In terms of dwelling mix and size I would note that in relation to mix the Sustainable Urban Housing: Design Standards for New Apartments, 2015, has no guidance with regard to dwelling mix. Whereas the Cork City Development Plan, 2014, recommends a mix for apartment development along the following lines;

- 1 bed unit = 15%
- 2 bed unit = 50%
- 3 bed unit = 35%

- 7.2.2. The proposed development has a mix of apartments as follows;

- 1-bed = 55%
- 2-bed = 18%
- 3 bed = 27%

- 7.2.3. Therefore, it is evident from the submitted plans that there is a strong presence of 1-bed apartments and the mix in the proposed development is not consistent with the mix recommended in the Cork City Development Plan, 2015. I would note that paragraph 16.43 of the City Development Plan outlines the importance of having a sustainable dwelling mix and this includes maintaining a range of residential units in the city as trends show a decline in family households and an increase in elderly and single person households. Policy Objective 6.8 'Housing Mix' of the City

Development Plan states that it is policy to encourage sustainable residential communities by ensuring a mix of residential units.

- 7.2.4. The concern with the proposed development is that there would be a relatively high percentage of 1-bed apartments. However, the revised Sustainable Urban Housing: Design Standards for New Apartments, 2015, recommends that developments should consider studio apartments (minimum floor area 40 sq. m.). The provision of studio apartments will provide for the increase in single person households. The Guidelines recommend that the overall provision of studio apartments and 1-bed apartments for a development of 50 units should amount to approximately 30%. The proposed development includes no studio apartments however should the overall 1-bed units be taken to represent both studio and 1-bedroom units the overall provision is still excessive relative to the 30% recommended in the national guidelines.
- 7.2.5. I would recommend to the Board, that should the overall development be acceptable, that a planning condition modifying the overall mix of units may address the concerns outlined above. I would recommend such a condition to the Board, should they favour granting permission.
- 7.2.6. In terms of dwelling sizes, I would note that the City Development Plan recommends minimum floor areas for apartments as follows;
- 1 bed unit – 55 sq. m.
 - 2-bed unit – 80 sq. m. to 90 sq. m.
 - 3-bed unit – 100 sq. m.
- 7.2.7. I would acknowledge that these minimum floor areas exceed the minimum floor areas as set out in the Sustainable Urban Housing: Design Standards for New Apartments, 2015. I would accept that some level of variation between the National Guidelines and the City and County Development Plan is to be expected. The ministerial guidelines are effectively a guidance document for local authorities and I would consider that any variations in standards can be expected given that the guidelines are not county specific.
- 7.2.8. In relation to the 6 no. 1-bedroom units it is evident from the submitted plans that the floor area of only two of these apartments exceeds the recommended floor area in the City Development Plan. However, all of the one-bedroom apartments would

exceed the minimum floor area of 45 sq. m. as recommended in the national guidelines.

- 7.2.9. In conclusion I would acknowledge that the floor areas of the proposed one-bedroom apartments are at the lower end of the minimum floor area thresholds. However, in order to address this, concern I would recommend to the Board, should they favour granting permission, that a condition is imposed reducing the number of proposed one-bedroom apartments as outlined in paragraph 7.2.5 above.
- 7.2.10. The proposed development consists of two 2-bed apartments and the floor area of these apartments would exceed the recommended minimum floor area in both the City Development Plan and the national guidelines. I would note that two of the 3-bed units fall short of the recommended minimum floor areas in the City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments, 2015. I would therefore recommend a condition to the Board that apartment no. 11 which has a floor area of approximately 83 sq. metres is amended into a two-bed apartment and this would provide a generous 2-bed apartment. I would recommend that apartment no. 10 remains as a two-bedroom unit given its floor area and private open space provision.
- 7.2.11. In conclusion therefore I would acknowledge that there are genuine concerns in relation to the provision of dwelling mix and sizes and should the Board consider the proposed development favourably I would recommend a condition to amalgamate two 1-bed apartments into a 2-bed unit at ground floor level. This amendment would have a positive outcome for the overall dwelling mix and sizes of the proposed development. Furthermore I would recommend to the Board that apartment no. 11 is reduced from a 3-bed unit to a 2-bed unit.

7.3. Residential Amenity

- 7.3.1. The Board will be aware of the challenging nature of this type of project given that it is proposed to re-use an historic building and therefore there is limited opportunity to comply with all the development plan standards for new apartments.
- 7.3.2. Firstly, the proposed development offers no public open space provision and I would note that there is scope to permit small apartment developments with no public open space. Paragraph 16.19 of the City Development Plan sets out exceptional

circumstances whereby public open space would not be required and the proposed development given its city centre location would fall into this category.

7.3.3. The private open space provision which is provided in the form of ‘winter gardens’ and roof terraces. I would acknowledge that it would be inappropriate to provide balconies to the ground and first floor elevations of this historic building from a design and visual perspective. As such it is proposed to provide ‘winter gardens’ for the apartments at ground and first floor level. The Sustainable Urban Housing: Design Standards for New Apartments, 2015, acknowledge that ‘winter gardens’ in certain circumstances can be used for private amenity space.

7.3.4. I have estimated that the private open space provision for the proposed development is as follows;

Unit	Type of Unit	Private Open Space	City Plan Requirement	Guidelines Recommended
1	1-bed	4.32 sq. m.	6 sq. m	5 sq. m
2	1-bed	10 sq. m.	6 sq. m	5 sq. m
3	1-bed	7.75 sq. m.	6 sq. m	5 sq. m
4	1-bed	20 sq. m.	6 sq. m	5 sq. m
5	1-bed	8.4 sq. m.	6 sq. m	5 sq. m
6	1-bed	7.28 sq. m.	6 sq. m	5 sq. m
7	2-bed	20 sq. m.	8 sq. m	7 sq. m
8	3-bed	8.5 sq. m.	12 sq. m	9 sq. m
9	2-bed	7.5 sq. m.	8 sq. m	7 sq. m
10	3-bed	11.76 sq. m.	12 sq. m	9 sq. m
11	3-bed	12 sq. m.	12 sq. m	9 sq. m

7.3.5. It is therefore evident from the table above that apartment’s no. 1 and no. 8 both fall below the minimum floor space as set out in the national guidelines and the Cork City Development Plan.

- 7.3.6. I have referred to the floor areas above and given their inadequate sizes I have recommended a condition to the Board, should they favour granting permission. The effect of this condition would be to increase the floor area of an individual apartment and provide a better dwelling mix. This condition would address the shortfall of private open space provision in apartment no. 1. Apartment no. 8 has a generous floor area and in this regard I would consider that a shortfall in private open space would be acceptable.
- 7.3.7. There is no car parking provision within the proposed development. The National Guidelines advise that 'car free' development maybe permissible in highly accessible city centre locations. I would consider that the proposed development given its location would fall into this category. The apartments all have a dual aspect orientation with the primary orientations facing west and east which is generally a favourable amenity.
- 7.3.8. The bin storage and bicycle storage prospals have been addressed in the additional information response. I would consider these revised prospals acceptable.
- 7.3.9. Overall I would acknowledge that the standards of residential amenity in some parts fall short of the minimum required standards. However, it is important to acknowledge that the proposed development is not a 'new build' and that a significant planning gain of the proposed development is the retention of a historic building. This historic building dates from circa. 1900 and although not listed on the City Development Plan's RPS the subject building is listed on the NIAH. This historic building, in my view and based on a visual observation of the area, makes a notable contribution to the streetscape. I would accept that the reuse of this historic building for residential development is a challenge, given modern requirements for apartments, and the need to retain the character of the building. I would consider that the proposed residential amenity is acceptable given the context of the building.
- 7.3.10. Therefore, it is my view that in some instances less than standard amenities are acceptable given the context of the building.

7.4. Architectural Heritage / Character

- 7.4.1. The appeal property is located within the Shandon Architectural Conservation Area. The City Development Plan Objective 29 is a relevant objective and this states 'to

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

- 7.4.2. The proposed development involves minimum external intervention and in my view is consistent with the objective 9.32 of the City Development Plan ‘Development in ACA’s’ which requires development to take account of recommended criteria.
- 7.4.3. I would consider that a central issue in determining that the proposed development would not adversely impact on the streetscape is the character of the streetscape. I noted from a visual observation of the area and the documentation submitted with the file that John Redmond Street, adjacent to the appeal site, is a curving street and also the gradient of the street rises steadily in a northwards direction.
- 7.4.4. This characteristic feature, in my view, allows a degree of flexibility to the urban design of the street and its buildings and provides capacity for the proposed development.
- 7.4.5. Furthermore, there is a modern roof extension to the neighbouring building immediately north of the appeal site and this in my view sets a context in relation to height. In addition, there is a contemporary apartment building located to the south of the proposed development. In my view these two modern developments set a frame for the proposed roof extension.
- 7.4.6. I would consider that the subject building has an institutional character and I would not consider that the proposed modern two-storey roof extension would, having regard to the established context, detract from the character of the existing building.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives of the current Development Plan for the area and to the overall scale, design and height of the proposed development, it is considered that subject to compliance with the conditions

set out below that the proposed development would not seriously injure the amenities in the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and particulars submitted to Cork City Council on 2nd August 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:
 - a. 2 no. one-bedroom apartments at ground floor level shall be amalgamated to form a single two-bedroom apartment.
 - b. Apartment no. 11 shall be revised to form a two-bedroom unit. Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting established residential amenities.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed

development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

5. Water supply and all drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. 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 the 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 waste.

Reason: In the interest of amenities and public safety.

7. Prior to the commencement of development the developer shall

submit, and obtain written agreement of the planning authority for the following (a) a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, (b) litter management scheme for the proposed development.

Reason: To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment and the amenities of the area.

8. Cycle Parking to Development Plan standard shall be provided within the development.

Reason: To ensure an adequate bicycle parking provision is available to serve the development.

9. Prior to the commencement of the proposed development, the developer shall pay or enter into an agreement with the Planning Authority to pay a contribution to Cork City Council in respect of the Cork Suburban Rail the project specified in the Supplementary Development Contribution Scheme made by Cork City Council on the 14th September 2015 ('the SDC Scheme') which project shall be carried out by the Rail Procurement Agency, or any other Organisation designated by the Government, pursuant to an agreement with Cork City Council and / or Cork County Council and which will, when carried out benefit the proposed development.

The present value of the contribution as determined under the SDC

Scheme is €4,829.68 which shall be subject to indexation in accordance with the Consumer Price Index prevailing at the date of payment and subject further to such exemptions or reductions as apply to the proposed development having regard to the provisions of Table 4 of the SDC Scheme and subject further as follows:

Where no substantial works have been carried out or have not commenced within 10 years of the date of payment of the contribution, the Planning Authority shall refund the contribution in proportion to those works which have not been carried out together with any interest that may have accrued thereon for the duration it was held unexpected by the Planning Authority.

Reason: To comply with the Supplementary Development Contribution Scheme which was adopted by Cork City Council and in the interests of proper planning & sustainable development of the area'.

10. 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. The contribution shall be paid prior to the 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 the Board to determine

the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Kenneth Moloney
Planning Inspector
25th November 2016