



An
Bord
Pleanála

Inspector's Report 302709-18.

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| Development | Change of use and extension of an existing 2 storey soft play centre from an existing leisure use to office use. |
| Location | Supernova, West Point Business Park, Link Road, Carrigrohane, Ballincollig, County Cork. |
| Planning Authority | Cork County Council. |
| Planning Authority Reg. Ref. | 185916. |
| Applicant | Vespolina Limited. |
| Type of Application | Permission. |
| Planning Authority Decision | Permission with conditions. |
| Type of Appeal | First Party. |
| Appellant | Vespolina Limited. |
| Observer(s) | None |
| Date of Site Inspection | 22 nd November 2018. |
| Inspector | Derek Daly. |

1.0 Site Location and Description

- 1.1. The proposed site is located to the east of the town centre of Ballincollig within the built up area. The site has frontage onto the eastern side of Link Road a road which runs south off the R608 connecting Cork City and Ballincollig.
- 1.2. The area has a mix of commercial uses primarily fronting onto Link Road but there is also a high level of residential development in the wider area including to the east and northeast of the site.
- 1.3. The proposed development relates to an existing two storied building which is part of an overall larger leisure related site fronting onto Link Road with astro turf pitches located to the east/rear of the overall site and a marsh area in the southeastern corner of the overall site. The existing building is a modern flat roofed structure There is onsite parking located around all sides of the building in particular to the front (west), rear (east) and side (south).
- 1.4. The lands to the north, east and south of the site are in residential use with commercial development to the north west on the same side of the Link Road and on the opposite western side of Link Road.
- 1.5. The overall site has a stated area of 2.5 hectares.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 20th of July 2018 was for the;
 - The change of use and extension of an existing 2 storey soft play centre from an existing leisure use permitted under planning ref 052047 to office use. The existing building which is two storied has a stated gross floor area of 3,900 m² over the two floors.
 - The extension which is single storied is proposed on the eastern rear elevation and has a stated area of 30m² and it is proposed that the extended area will be used for the storage of plant equipment.

- Minor elevational alteration to the existing building which primarily include the provision of additional windows on all facades of the building at both ground and first floor levels.
- Amendments to the existing car park to facilitate the provision of dedicated parking for the existing playing pitch facility to the northwest of the existing building.
- Associated site development works.

3.0 **Planning Authority Decision**

3.1. **Decision**

The decision of the planning authority was to grant planning permission subject to fourteen conditions.

Condition of note includes;

Condition no 14 requires a development contribution of €127,335.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The planning report dated the 7th of September 2018 refers to

- The planning history.
- Appropriate Assessment checklist.
- Development plan policy and in the context of the provisions of the CDP and LAP office use would not be out of character given the mixed nature of uses in the area.
- No issues are identified in relation to traffic and parking.
- No issues are identified in relation to design and potential overlooking of nearby residential development.
- Permission was recommended.

The Senior Executive Planner Report dated the 10th of September 2018 agrees with the recommendation of the planning report

3.2.2. Other Technical Reports:

Area Engineer Report indicates no objections.

4.0 **Planning History**

There is history of applications relating to the site as a leisure related facility.

Permission was granted for the construction of a single fast food facility under P.A. Ref. No.12/5097 and for an extension of the duration of this permission under P.A Ref. No 17/7183.

5.0 **Policy Context**

5.1. **Department Guidance**

- 5.1.1. Development Contributions Guidelines for Planning Authorities” published by the Department of the Environment, Community and Local Government in January 2013 outlines guidance in relation to application of development contributions in relation to development.

5.2. **Development Plan**

- 5.2.1. Ballincollig Carrigaline Local Area Plan 2017.

The site is located within an area zoned Existing Built Up Area in the LAP.

This zoning permits consideration of areas with no specific zoning objectives and are assessed in the context of the overall provisions of the LAP and the County Development Plan; the character of the area and general planning and sustainable development considerations.

- 5.2.2. Development Contribution Schemes Cork County Council 2004

This scheme the general scheme as required by section 48 of the Planning and Development Act 2000 as amended. The scheme provides rates for different uses

including residential, office and other uses. The scheme also provides for reduced and special contributions.

5.2.3. Cork County Council Development Contribution Scheme 2015

This scheme currently applies within the Cork County Council administrative area and indicates amended rates operative to the original Scheme.

The rate per square metre for offices and retail is stated as €48.97 and the rate for other non residential per square metre is stated as €16.32.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in a submission dated the 30th of September 2018 indicated **that the appeal relates to condition no 14** of the decision to grant planning permission which is the financial contribution levied and not for a de novo consideration of the permission. In this regard the appeal contends;

- The proposed use is a significantly lower intensity use than the leisure centre and soft play area currently in operation.
- The existing facility hosts an average of 2,800 guests per week with approximately 2,100 car journeys and the projected occupancy is 180 to 200 persons and will generate less than 900 car journeys per week with a significantly decreased burden on public utilities and services.
- The Board are requested to consider the City Council policy in respect of a discounted levy in certain instances of change of use activity referring specifically to 75% and 100% reduction as stated in the scheme.
- The City Council scheme is referred to as the site will fall within the jurisdiction of the City Council upon the adoption of the city boundary extension.
- The local authority has failed to apply any credit for financial contribution already paid in full under the parent permission 07/6728 and acknowledged by the County Council.

- The local authority has incorrectly calculated the levy based on their own contribution scheme.

6.2. Planning Authority Response

The planning authority in a submission dated the 31st of October 2018 refers to;

- The development has been assessed under the Cork County Development Plan as it is within the Cork County administrative area and assessed under the county development contribution scheme.
- Reference made to 07/6728 is the incorrect permission to consider as this related to single storey changing room
- The correct calculation would relate to the main building permitted under 05/20147 and which is the subject of this appeal.
- The rate as calculated for the parent permission was for a leisure and fitness centre and charged under “other non residential” and the levy for a building with a floor area of 3,900m² would equate to €63,648 based on the Rate of €16.32 per square metre.
- The office rate is €48.97 per square metre and this would equate to a total of €190,983 for a floor area of 3,900m².
- The contribution as levied is the difference between the two rates and the Planning Authority requests that condition no. 14 be upheld.

7.0 Assessment

7.1. The appeal relates to **condition no 14** of the decision to grant planning permission which requires a development contribution of €127,335. The applicant does not wish other aspects of the proposal or the planning authority’s decision to grant planning permission to be considered in the appeal.

7.2. In relation to the proposal it is essentially for a change of use of an existing 2 storey soft play centre from an existing leisure use permitted under planning ref 052047 to office use. The existing building which is two storied has a stated gross floor area of 3,900 m² over the two floors.

Other aspects of the development are a minor single storied on the eastern rear elevation with a stated area of 30m²; minor elevational alteration to the existing building which primarily include the provision of additional windows on all facades of the building at both ground and first floor levels and amendments to the existing car park to facilitate the provision of dedicated parking for the existing playing pitch facility to the northwest of the existing building.

- 7.3. In relation to the change of use I would have objection to this aspect of the development given the zoning and the existing and varied pattern of development in the area.
- 7.4. I would have no objections to the extension and the minor elevational changes which are adapt the development to reflect the proposed use.
- 7.5. In relation to condition no 14 the appellant contends that the proposed use is a significantly lower intensity use than the leisure centre and soft play area currently in operation which currently hosts an average of 2,800 guests per week with approximately 2,100 car journeys and that the projected occupancy is 180 to 200 persons and will generate less than 900 car journeys per week with as a consequence a significantly decreased burden on public utilities and services.

Reference is made to and the Board are requested to consider the City Council policy in respect of a discounted levy in certain instances of change of use activity referring specifically to 75% and 100% reduction as stated in the scheme.

The City Council scheme is referred to by the appellant as the site will fall within the jurisdiction of the City Council upon the adoption of the city boundary extension.

It is also contended that the local authority has failed to apply any credit for financial contribution already paid in full under the parent permission 07/6728 and acknowledged by the County Council and has incorrectly calculated the levy based on their own contribution scheme.

- 7.6. In response the planning authority indicates that the development has been assessed under the Cork County Development Plan as it is within the Cork County administrative area and assessed under the Cork county development contribution scheme.

The reference made to 07/6728 is the incorrect permission to consider as this related to single storey changing room and that the correct calculation would relate to the main building permitted under 05/20147 and which is the subject of this appeal.

The basis of the contribution is based on the proposed use and the permitted use which have different rates of contribution per square metre and the contribution as levied is the difference between the two rates.

- 7.7. In relation to assessment the relevant Development Contribution Scheme (DCS) is the Cork County Scheme and not the Cork City Scheme. The county scheme was adopted in 2004 which sets out the operation of development contributions and has been subsequently revised to alter the actual monetary rates applied.
- 7.8. The issue is therefore for the Board to consider is whether the scheme has been properly applied in respect of any condition laid down by the planning authority.
- 7.9. The DCS provides for different rates for uses including different rates for non-residential development. The rates per square metre in the 2015 scheme which currently applies indicates a rate of €16.32 per square metre for “other non residential” which the current use can be considered as and the levy for office the proposed use is €48.97 per square metre
- 7.10. in calculating the development contribution, the planning authority have assessed an overall contribution based on office use which would equate to a total of €190,983 for a floor area of 3,900m². An allowance of is made for the previous/current use which would equate to €63,648 based on the rate of €16.32 per square metre. The development contribution of €127,335 as assessed and stated in condition no.14 is the difference with an allowance made for the current use.
- 7.11. The 2004 scheme provided for reduced rates to be applied to stated forms of development and the current proposal does not fall within the categories stated.
- 7.12. The condition as stated I consider complies with the terms of the current DCS and that the scheme has been properly applied.
- 7.13. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.14. EIAR Screening Determination

Based on a preliminary examination of the nature, size or location of the development there is no real likelihood of significant effects on the environment and EIAR is not required.

8.0 Recommendation

- 8.1. Having considered the submissions received in relation to this appeal and the documentation submitted I consider that the appeal can be addressed under section 139 of the Planning and Development Act 2000 as amended. I recommend that condition no. 14 be retained as stated.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the Development Contribution Schemes Cork County Council 2004 and subsequent amendments to the scheme including Cork County Council Development Contribution Scheme 2015 and to the provisions as set out in the “Development Contributions Guidelines for Planning Authorities” published by the Department of the Environment, Community and Local Government in January 2013, it is considered that the payment of the contribution as stated in condition no. 14 complies with the provisions as stated in the Scheme, that the scheme has been properly applied within the terms of the current Development Contribution Scheme and that condition no. 14 be retained as stated in the Planning Authority decision.

Derek Daly
Planning Inspector

3rd November 2018