

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON MONDAY 28th APRIL 2003

- PRESENT:** An tArd-Mheara, Comhairleoir J. Kelleher in the chair.
- NORTH EAST** Seanoir M. Quill, Comhairleoirí T. Brosnan, L. Burke, B. Kelleher T.D.
- NORTH CENTRAL** Seanoir N. O'Flynn T.D, Comhairleoirí K. Lynch T.D., B. Allen T.D., D. Wallace.
- NORTH WEST** Seanoir D. McCarthy, Comhairleoirí T. Falvey, C. Burke, M. O'Connell, J. O'Brien.
- SOUTH EAST** Seanoir T. Shannon, Comhairleoirí J. Corr, D. Counihan, J. Minihan.
- SOUTH CENTRAL** Seanoir C. O'Connell, Comhairleoirí S. Martin, T. O'Driscoll, D. Cregan, Chris O'Leary.
- SOUTH WEST** Seanoir J. Dennehy T.D, Comhairleoirí M. Shields, M. Ahern, B. Bermingham, P.J. Hourican.
- ALSO PRESENT** Mr. J. Gavin, City Manager.
Mr. F. Allison, A/Director of Services, Corporate Affairs.
Mr. J. O' Donovan, Director of Services, Planning & Development.
Mr. D. O' Mahony, A/Senior Executive Officer, Corporate Affairs.
Mr. S. Crowley, A/Senior Staff Officer, Corporate Affairs.

Apologies: Comhairleoir J. O Flynn.

An tArd-Mheara recited the opening prayer.

1. **VOTES OF SYMPATHY**

An Chomhairle unanimously extended a vote of sympathy to:-

- The Malone Family on the death of Lance Corporal Ian Malone.
- The Walsh Family on the death of Peg Walsh.
- The Noonan Family on the death of Michael Noonan.
- The O'Connell Family on the death of Tom O'Connell.
- The Killelea Family on the death of Jarleth Killelea

2. **MINUTES**

The Minutes of Ordinary Meeting of An Chomhairle held on 14th April 2003 were considered and approved.

3. **QUESTION TIME**

3.1 **RADIOLOGICAL PROTECTION INSTITUTE OF IRELAND**

In response to question submitted by Comhairleoir Chris O' Leary a written reply was circulated which stated that in reference to above I wish to advise that Radon problems in Wicklow arose from deep groundwater wells in an igneous rock area. It should be noted that radon gas predominantly occurs in igneous geologies such as granite.

The drinking water for Cork City is abstracted from a surface water source. The water emanates from Non Igneous geology such as Old Red Sandstone etc. Accordingly the risk of radon being entrapped in Drinking Water is minimal. The Radiological Protection Institute are carrying out national research and should this research require any action by City Council it will be carried out. City Council laboratories have no facilities for testing for the presence of Radon in Water.

However, in the event of Water being required to be tested, R.P.I.I. can do so.

3.2 **BLOCKING THE RIGHT OF WAY AT ROWANVILLE, ONSLOW GARDENS**

In response to question submitted by Seanoir Dave McCarthy a written reply was circulated which stated that it is expected that work to close the public right of way at Rowanville will commence in the next 3/4 weeks.

3.3 **WATER PRESSURE IN ST. PATRICK'S ROAD**

In response to question submitted by Comhairleoir Sean Martin a written reply was circulated which stated that complaints of poor pressure of water supply were received from residents in the western end of Patrick's Road.

Investigations revealed that stub-connections to the watermain were in poor condition and house services between the watermains and the stopcocks were replaced by the City Council to improve the supply. 8 no services have been improved in this manner.

A new connection was made from the 8" trunk main in Mount Pleasant Road/Patrick's Road junction to the 3" watermain serving houses on the Southern side of Patrick's Road but only marginal improvement resulted.

A sample of the 3" cast iron watermain was cut out and sent to the UK for analysis as part of a Water Conservation Study regarding watermain rehabilitation needs of the City being carried out by Cork City Council's Consulting Engineers – Carl Bro-Ryan Hauly & Co. Results of the analysis have just come to hand which confirm serious tuberculation in the main which is causing a reduced flow capacity. The main is appropriate for scraping and re-lining.

This area is identified as a priority area for action. A scheme for mains rehabilitation is being prepared to be sent to the DOELG for approval.

I will notify you of any future developments.

3.4 **REFURBISHMENT AND FUTURE USE OF RINGMAHON HOUSE**

In response to question submitted by Comhairleoir Deirdre Clune a written reply was circulated which stated that a proposal, which would involve the refurbishment of Ringmahon House is currently being considered. I hope to be in a position to bring a proposal to Council for its consideration shortly.

3.5 **CURRENT ROAD MARK SIGNS ON GARDINER'S HILL**

In response to question submitted by Comhairleoir Tim Brosnan a written reply was circulated which stated that in the recent past, the only alterations to road markings on Gardiners Hill were:

- The installation of yellow boxes at the entrances to the schools on the hill to facilitate the dropping off and collection of school children.
- The changing from double to single yellow lines at a relatively narrow section of roadway to allow residents to parking at evening/night-time.

We are not aware of other complaints from the local residents. However, staff from the Traffic Division are available at any time to meet the local residents at Gardiners Hill to discuss any issues or concerns.

3.6 **CLOSURE OF THE ALLEYWAY BETWEEN 50/52 MURMONT RD, MONTENOTTE**

In relation to question submitted by Comhairleoir Billy Kelleher T.D. a written reply was circulated which stated that a report outlining the proposed programme of work regarding lane closures was submitted to Council, at its meeting held on 14th April, 2003.

Murmount Road was included as part of the programme of work that we would like to undertake in the North East Ward. However, sufficient funds are not available in the North East Ward fund at this time.

If funds become available from other Wards, then we may be able to proceed with work in 2003.

3.7 **CHURCHFIELD SWIMMING POOL**

In response to question submitted by Comhairleoir Colm Burke a written reply was circulated which stated that seven no. tenders were recently received in relation to construction of new leisure facility at Churchfield. A Tender Report was prepared by our consultants Bruce Shaw Partnership which has now been submitted to the Department of Arts, Sport and Tourism for approval. Formal approval of the Department is required before contracts can be awarded. In tandem with this, negotiations have been ongoing with unions in relation to staff issues. It is anticipated that construction work will be able to commence in mid summer.

3.8 **CLAMPING AND TOW-AWAY SERVICE**

In response to question submitted by Comhairleoir Michael O' Connell a written reply was circulated which stated that at present, the tow-away service operates at 7.30 – 23.00 Monday to Friday and 9.00 – 23.00 on Saturday. It is on-call on Sunday. Clamping operates 09.00 – 20.00 Monday to Saturday only.

The Traffic Wardens operate from 8.00 – 19.00 Monday to Saturday. It is considered that this parking enforcement regime is adequate at the moment, however it is constantly kept under review.

The two City Council owned multi-storey car parks are open Monday to Saturday and the one at Paul Street stays open until 24.00 (midnight). They both open for seven days a week for approximately six weeks during the Christmas period. There is no perceived demand for 24 hour parking at the moment.

Again like the enforcement regime, the situation of opening hours is kept under constant review particularly in the light of the increasing amount of Sunday trading in the city centre. If a demand for longer opening hours emerges, then, subject to cost considerations, there is no reason why this demand could not be met.

3.9 **STUDENT APARTMENTS BLOCK**

In response to question submitted by Comhairleoir Brian Bermingham a written reply was circulated which stated that the term “Student Apartments” derives not from planning legislation but rather from tax law.

Section 50 of the Finance Act, 1999 provides for a scheme of tax relief for rented residential accommodation for third level students. The relief is along the lines of what is commonly referred to as section 23 relief. The Government attaches significance to this initiative, the purpose of which is the provision of additional rented accommodation to relieve current supply pressures in the private rented sector.

Relevant guidelines have been issued by the Minister for Education and Science. Planning Authorities are asked to have regard to these guidelines in assessing applications received on or after 1st April 1999.

Properties qualifying for relief under the scheme should be located within qualifying areas. For the purposes the scheme qualifying areas are:

- (1) Campus areas of the educational institutions, or
- (2) Areas, within an 8km radius of the main campus, which are approved by the certifying educational institution as being an area within which a qualifying development may take place.

It is not possible to provide the information in the format requested, however a list of those granted over the past three years can be compiled and will be tabled at the earliest opportunity.

Student Apartments are not a separate category under planning legislation but fall into the category of a house. In the Planning and Development Act 2000 “house means a building or part of a building which is being or has been occupied as a dwelling or was provided for” se as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building.

The issue of student accommodation is one which is addressed in the draft Cork City Development Plan 2003. With two principal third level colleges in Cork City, UCC and CIT, along with a number of VEC and privately operated colleges, the demand for student accommodation is significant. In the academic year 2000/2001 there were at least 23,285 full time students attending colleges in Cork City, half of which lived in privately rented accommodation. Figures from the Joint Housing Strategy indicate that there are only 1,470 bed spaces available in student apartment complexes in the city and that the majority of students live in privately rented accommodation. Managed student apartment complexes on or adjacent to campus or which have convenient access to the Third Level Colleges are a preferable form of student housing. It is noted that research carried out by UCC indicates that there is a serious shortage of suitable accommodation for students with disabilities. This issue needs to be considered in assessing all student accommodation proposals in a manner compatible with surrounding residential amenities.

Four specific policies are set out in the draft plan in relation to student accommodation as follows:

Policy H23 Provision of Student Accommodation

To facilitate student accommodation on campuses or in locations which have convenient access to the Third level Colleges (particularly by foot, bicycle and high quality and convenient public transport such as ‘Green Routes’), in manner compatible with surrounding residential amenities.

Policy H24 Change of Use of Student Accommodation

To attach a condition to all permissions for student accommodation , which requires that change of use from student accommodation to any other type of accommodation shall require planning permission. In general such applications for change of use shall be resisted unless it can be adequately shown that an over provision of student accommodation exists in the city.

Policy H25 Guidelines for Student Accommodation

To apply the ‘Guidelines on Residential Developments for Third Level Students’ particularly as they relate to location and design to all planning applications for student accommodation.

Policy H26 Accommodation for Students with Disabilities

To promote the provision of adequate accommodation for students with disabilities.

4. **REPRESENTATION ON C.A.S.P.**

Comhairleoir D. Wallace proposed, seconded by Comhairleoir S. Martin the following nominations:-

Comhairleoirí D. Counihan, T O' Driscoll, S. Martin, D. Wallace.

Comhairleoir J. Corr proposed, seconded by Comhairleoir L. Burke the following nominations:-

Comhairleoirí D. Clune, P.J. Hourican.

Comhairleoir M. Ahern proposed, seconded by Comhairleoir M. O' Connell the following nominations:-

Comhairleoirí M. O' Connell, M. Ahern.

Comhairleoir J. Minihan proposed, seconded by Seanoir M. Quill the following nomination:-

Seanoir M. Quill.

Comhairleoir Chris O' Leary proposed, seconded by Comhairleoir J. O' Brien the following nominations:-

Seanoir C. O' Connell, Comhairleoir J. O' Brien

As 11 members were nominated for 10 positions, a vote was called for where there appeared:-

Comhairleoirí D. Counihan (25), T. O' Driscoll (25), S. Martin (25), D. Wallace (25), P.J. Hourican (25), D. Clune (25), M. Ahern (25), Seanoir M. Quill (25), Seanoir C. O' Connell (10), Comhairleoir J. O' Brien (16).

The following 10 members were elected to represent Cork City Council on the Cork Area Strategic (CASP) Policy Committee:

Seanoir M. Quill, Comhairleoirí D. Counihan, T. O' Driscoll, S. Martin, D. Wallace, D. Clune, P.J. Hourican, M. Ahern, M. O' Connell, J. O' Brien.

5. **NOMINATIONS TO RAPID AREA IMPLEMENTATION TEAMS**

An Chomhairle agreed to defer Nominations to Rapid Area Implementation Teams to next meeting of An Chomhairle to be held on 12th May 2003.

Members also sought clarification whether nominations to the Rapid Area Implementation Teams can be increased from five members to 10 members.

6. **MATERIAL CONTRAVENTION OF THE CORK CITY DEVELOPMENT PLAN REVIEW 1998 IN RELATION TO PLANNING APPLICATION T.P. 02/26504**

An Chomhairle approved the report of Director of Services, Planning and Development dated 9th April, 2003 on permission for the construction of a new nurse education centre at 34, 35 and 36 Henry Street, Cork which was deferred from meeting of An Chomhairle held on 14th April, 2003.

Comhairleoir D. Wallace proposed and Comhairleoir L. Burke seconded the adoption of the following resolution:-

Resolved under the provisions of Section 34 (b), Planning & Development Act, 2000.

“That the Cork City Council Development Plan Review 1998, adopted on the 23rd March 1998, be materially contravened with regard to Register Ref. T.P. 02/26504 in respect of grant of permission to the Mercy Hospital Cork for the construction of a new nurse education centre at 34,35 and 36 Henry Street, Cork”.

A vote was called for where there appeared:-

FOR: Ard-Mheara J. Kelleher, Seanoirí M. Quill, N. O’ Flynn T.D., D. McCarthy, T. Shannon, J. Dennehy T.D., Comhairleoirí T. Brosnan, L. Burke, B. Kelleher T.D., B. Allen, T.D., D. Wallace, T. Falvey, C. Burke, J. Corr, D. Counihan, J. Minihan, S. Martin, T. O’ Driscoll, D. Cregan, M. Shields, M. Ahern, B. Bermingham, P.J. Hourican. (23)

AGAINST: Seanoir C. O’ Connell, Comhairleoirí K. Lynch T.D., M. O’ Connell, J. O’ Brien, Chris O’ Leary. (5)

An tArd Mheara declared the Resolution carried.

7. **DISPOSALS**

An Chomhairle approved the following Disposals, due notice of which had been given:

7.1 **PROPERTY DISPOSALS**

- (a) Properties (42 no.) situated at Lus Na Meala, Banduff, Ballyvolane, Cork, to 42 applicants for the sum of €135,500.00 per house under the Affordable Housing Scheme.
- (b) Freehold interest in properties situated at Hollymount Industrial Estate, Hollyhill to O’ Sullivan Brothers DIY & Hardware Ltd for the sum of €2,500.00 plus costs.

7.2 **SHARED OWNERSHIP**

- (a) 8, Oakpark, Ballyvolane, Cork, held by Cork City Council subject to a Shared Ownership Lease dated 4th February, 1999, to Ken O’Callaghan and Lorraine O’Callaghan, for the sum of €53,235.68.
- (b) Fee Simple interest in dwellinghouse and premises situated at and known as 30, Father Mathew Road, Turner’s Cross, Cork held by Cork City Council subject to a Shared Ownership Lease 13th April, 2000, to Kevin O’Kennedy and Marie O’Connor-Hynes, for the sum of €83,001.00.
- (c) Fee Simple interest in dwellinghouse and premises situated at and known as 44, Clarke’s Road, Ballyphehane, Cork, held by Cork City Council subject to a Shared Ownership Lease dated 3rd March 1998, to Gerard O’Brien and Pauline O’Brien, for the sum of €49,923.26.

- (d) Fee Simple interest in Dwellinghouse and premises situated at and known as 12, Park Lawn, Parklands, Commons Road, Cork, held by Cork City Council 8.

subject to a Shared Ownership Lease dated 17th November, 1992, to James O'Mahony and Caroline O'Mahony, for the sum of €28,120.55.

7.3 **FEE SIMPLE INTEREST**

(a) **GR3053 - 103, St. Brendan's Road, Farranree, Cork.**

Acquired by Agreement from Jeremiah Lucey, Rockmount, Commons Road, Cork, by Deed of Transfer dated 29th May, 1934.

It is proposed to dispose of the fee simple interest of the above mentioned premises to Mary McCarthy, c/o Kevin Hegarty, Solicitor, Brian Dillon House, Dillons Cross, Cork. Disposal will be by way of Transfer Order, for the sum of €6.35 plus costs.

(b) **GR 3040 - 9, Sarahville Place, Pouladuff Road, Cork.**

Acquired under Housing Order No. 1 of 1951 from (1) Daniel Healy, Rock Terrace, North Mall, Cork, by Deed of Transfer dated 17th June, 1957, (2) by Agreement from Daniel O'Leary, "The Cottage", Pouladuff Road, Cork, by Deed of Transfer dated 14th January, 1959 and (3) under Housing Order No. 1 of 1951 from John Murphy, Pouladuff Road, Cork by Deed of Transfer dated 28th March, 1958.

It is proposed to dispose of the fee simple interest of the above mentioned premises to Alan & Marie O'Connell, c/o Conway Kelleher Tobin, Solicitors, 29, South Mall, Cork. Disposal will be by way of Transfer Order, for the sum of €6.35 plus costs.

(c) **GR 3066 – 26, Killeens Green, Farranree, Cork.**

Acquired by Agreement from Cornelius Kehely, by Deed of Transfer dated 24th December, 1935.

It is proposed to dispose of the fee simple interest of the above-mentioned premises to Noreen Murphy, c/o Ernest J. Cantillon & Co., Solicitors, 39, South Mall, Cork. Disposal will be by way of Transfer Order, for the sum of €6.35 plus costs.

(d) **GR 3101 – 153, Farranferris Avenue, Farranree, Cork.**

Acquired by Agreement from Timothy Murphy, 2, Lucan Place, Western Road, Cork, by Deed of Transfer dated 20th November, 1936.

It is proposed to dispose of the fee simple interest of the above-mentioned premises to Ann Howell, c/o J.W. O'Donovan, Solicitors, 53, South Mall, Cork. Disposal will be by way of Transfer Order for the sum of 6.35 plus costs.

(e) **GR 3028 – 15, Rathmore Park, Richmond Hill, Cork.**

Acquired under Landlord & Tenant (Ground Rents) (No. 2) Act, 1978 by Vesting Certificate dated 16th January, 1998.

9.

It is proposed to dispose of the fee simple interest of the above-mentioned premises to Joseph & Marie Power, c/o Collins, Brooks & Associates, Solicitors, 6/7, Rossa Street, Clonakilty, Co. Cork. Disposal will be by way of Transfer Order for the sum of €6.35 plus costs.

(f) **GR 3022 – 5, Closes Road, Fairhill, Cork.**

Acquired by Agreement from Frederick J. Sheedy, 41, St. George's Court, Kensington, London W. 7, England, by Deed of Conveyance dated 18th January, 1939.

It is proposed to dispose of the fee simple interest of the above-mentioned premises to Ann Harris, c/o Denis O'Sullivan & Co., Solicitors, Library House, 18, Dyke Parade, Cork. Disposal will be by way of Transfer Order for the sum of €6.35 plus costs.

8. **MEETING ADJOURNED**

Comhairleoir S. Martin proposed, and Seanoir T. Shannon seconded the following motion:-

“That meeting of An Chomhairle be adjourned and the remaining business of the meeting be deferred to the next meeting of An Chomhairle to be held on 12th May 2003”.

A vote was called for where there appeared:-

FOR: Seanoirí T. Shannon, C. O' Connell, Comhairleoirí K. Lynch T.D., T. Falvey, C. Burke, M. O' Connell, S. Martin, Chris O' Leary, M. Ahern.(9)

AGAINST: Ardmheara J. Kelleher, Seanoirí M. Quill, J. Dennehy T.D., Comhairleoirí T. Brosnan, D. Wallace, J. Corr, J. Minihan.(7)

An tArd Mheara declared the motion passed.

This concluded the business of the meeting.

**ARDMHEARA
CATHAOIRLEACH**