

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

**Dublin City**

**Planning Register Reference Number: 4030/10**

An Bord Pleanála Reference Number: PL 29S.238504

**APPEAL** by Pextell Limited care of Manahan Planners of 38 Dawson Street, Dublin in relation to the application by Dublin City Council of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 27<sup>th</sup> day of January, 2011.

**PROPOSED DEVELOPMENT:** Internal alterations to 34 College Green consisting of (a) removal of two non original internal staircases and a number of service inter floor staircases and replacement with two new staircases and balustrades, (b) demolition of section of non original mezzanine and erection of two new mezzanines with balustrade to match new staircases, (c) removal of section of floor to allow for new staircase, (d) alterations to non original internal columns to match originals, (e) removal of selected sections of and creation of opes in some internal walls, (f) replacement of recently installed roof lights with solid infill at ground floor ceiling level, and (g) removal of non original partitions and doors from upper floors and replacement with some internal partitions and (h) repair and reinstatement of original features where necessary. Refurbishment of the first, second and third floor of 35 College Green including the removal of non original internal partitions, doors and screens. These works are all being carried out in association with the use of this space as a retail unit; all at 34 and 35 College Green (protected structures), Dublin.

## DECISION

**The Board considered, based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 10 and directs the said Council under subsection (10) (b) of section 48 of the Planning and Development Act, 2000, as applied by section 49(3) and as amended by section 31 of the Planning and Development Act, 2010, to AMEND condition number 10 so that it shall be as follows for the reason stated.**

10. The developer shall pay to the planning authority a financial contribution of €7,008 (seven thousand and eight euro) in respect of the Metro North Saint Stephen's Green to City Boundary at Ballymun in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

### **REASONS AND CONSIDERATIONS**

Having regard to the amount of gross floor space involved in the proposed development, it is considered that the planning authority has not properly applied the Dublin City Council Supplementary Development Scheme for Metro North Saint Stephen's Green to City Boundary at Ballymun in condition number 10 and the Board has amended the condition to reflect this.

### **MATTERS CONSIDERED**

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

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

**Dated this            day of            2011.**

