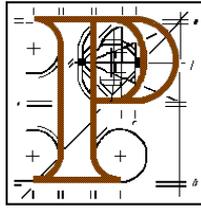


An Bord Pleanála



Inspector's Report

PL18.245303

DEVELOPMENT:-

Change of Use from dwellinghouse to funeral home at Maryville, Main Street, Carrickmacross, County Monaghan.

PLANNING APPLICATION

Planning Authority: Monaghan County Council
Planning Authority Reg. No: 15/45
Applicant: Pádraig and Caitríona Lonergan
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Nora Donnelly
Types of Appeal: 3rd Party -v- Grant
Observers: None
DATE OF SITE INSPECTION: 21st October, 2015.

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL18.245303 relates to a third party appeal against the decision of Monaghan County Council to issue notification to grant planning permission for a change of use from a dwelling to a funeral home on the Main Street of Carrickmacross, County Monaghan. The grounds of appeal argue that the proposed development is contrary to the policies contained in the Development Plan, is unsympathetic in terms of shopfront design and will give rise to parking and amenity issues.

2.0 SITE LOCATION AND DESCRIPTION.

The appeal site is located at the northern end of the main street of Carrickmacross. The site currently accommodates a two-storey over basement residential house with a long sloped garden to the north of the structure. The house is located between the Shirley Arms Hotel to the south of the site and Carrickmacross Courthouse which is located to the north-east of the site and faces southwards towards the Main Street. The area to the front of the existing dwellinghouse provides a communal public parking area comprising of c. 18 off-street car parking spaces. Access to the car park is provided onto the Main Street. Both the Courthouse and the hotel incorporate fine stone facades dating from the 19th century and both are listed on the Record of Protected Structures. A large three-storey extension has been provided to the rear of the Shirley Arms Hotel. The site is located within a designated Architectural Conservation Area. Parking associated with the hotel is located in a separate designated car park to the rear of the building.

The existing residential dwelling which is subject to the current application and appeal comprises of a two-storey overbasement dwelling possibly dating from the late 1960's or 1970s. The building is of little architectural merit.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for a change of use of the existing residential dwelling to a funeral home. The ground floor is to accommodate a display area, kitchen area and a family room. Office and storage accommodation is to be provided at first floor. A new shopfront and fascia board is to be incorporated on the front elevation with raised lettering. A small porch area is to be constructed to infill a

recessed area on the front elevation. Details of the proposals are contained in Drawing No. 002 submitted with the application. Staff parking (3 spaces) is to be provided within the rear garden of the proposed funeral home. Access is to be provided via an existing laneway which runs to the rear of the Courthouse and provides access to the rear garden.

4.0 PLANNING AUTHORITY'S DECISION

4.1 Documentation Submitted

The planning application was lodged on 18th February, 2015. It notes that pre-planning meetings took place between the applicants and the Council. The Planning Statement submitted with the application sets out the proposed development and the zoning provisions relating to the site. It is contended that the proposal fully complies with all planning objectives for the town centre. Details of the existing building are set out in the Planning Statement. It is noted that the house is under the ownership of the applicant. His family also own the adjoining hotel. It is proposed to apply to the Planning Authority for a reserved space on the 18 public spaces that exist to the front of the house. In terms of traffic generation, it is stated that a realistic estimate may be that the funeral home will operate approximately 20 times a year.

4.2 Internal Reports

A report from the Environmental Department states that there is no objection to the application. The Environmental Health Officer's Report likewise raises no objection to the proposal. The Water Services Section raised no objection to the proposal subject to five conditions.

A letter of objection was submitted on behalf of N. Donnelly, the current appellant by Stephen Ward, Town Planning and Development Consultants. The contents of this letter of objection has been read and noted.

A report from the District Area Engineer notes that the applicant has failed to submit any car parking proposals with this application. In this regard the applicant is required to submit a revised plan indicating how it is proposed to provide car parking to meet the needs of the proposed facility (one space per 15 sq. m of gross floor area).

4.3 Additional Information Request

On 14th April, 2015 Monaghan County Council requested the following additional information:

- Further information in relation to car parking.
- Further details in relation to expected operation including viewing times, hours of operation etc.
- Clarification of whether or not the proposed funeral home will incorporate the existing undertaker's business which currently operates on O'Neill Street, Carrickmacross.
- Clarification of the material to be used on the front elevation.

4.4 Additional Information Submission

Further information was submitted on 17th June, 2015. It states the following:

- A revised site plan showing three off-street car parking spaces have been made available for staff in the rear garden. The applicant is also willing to accept a financial contribution in lieu of any shortfall in car parking. It is agreed to retain one open space in the area to the front of the building for hearse and coffin transfers etc. Further details in relation to public lighting are also shown.
- With regard to the use of the building, it is stated that the basement is not being used as part of the business. The basement should be treated as a separate entity. It is not dependent on access through the ground floor.
- There are no proposals as part of the funeral home to embalm or dress the remains. The funeral home will be used for reposing before removal only.
- The materials to be used for the external elevation is waterproof MDF which is a very durable material and flexible for use as a shopfront design. The extension and porch remains as is and will be merely clad in the waterproof MDF.

4.5 Further Assessment by the Planning Authority

A further report from the **Road Engineer** states that there is no objection subject to four conditions which include a financial contribution in lieu of car parking spaces.

The **Planner's Report** sets out the site location and description of the proposed development and planning policies as they relate to the site. Section 6 specifically assesses the proposed development. It notes that under the zoning matrix contained in the Monaghan County Development Plan funeral homes are open for consideration in town centres. It also notes that the site is situated in an Architectural Conservation Area. The only new element of the proposal is the construction of a small single-storey porch to the front elevation. It is stated that the closest land-use type in terms of car parking provision would be the standard required for professional services (one space per 25 square metres). As a result there would be a requirement for four car parking spaces. However it is noted that three car parking spaces are to be provided within the curtilage of the site to the rear of the Courthouse building. Therefore one additional space is required and a 50% reduction for town centres is applied. 0.5 spaces would be required in this instance.

It is noted that the Environment Section has no objection to the proposed development.

In terms of appropriate assessment, it is considered having regard to the location of the development and the separation distance between it and Natura 2000 sites, no appropriate assessment issues arise.

Finally the planning report notes the additional information submitted and considers that all outstanding issues have been addressed and it is therefore recommended that planning permission be granted for the proposed development. In its decision dated 14th July, 2015 planning permission was granted subject to 10 conditions.

5.0 PLANNING HISTORY

There appears to be no planning history associated with the appeal site.

6.0 GROUNDS OF APPEAL

In terms of Development Plan zoning policies and management, it is argued that the proposed development is only 'open to consideration' under the landuse zoning objectives for the site. The appeal argues that the funeral home would be detrimental to the civic/commercial character of the area.

The proposal is contrary to the prevailing landuse character of the area immediately adjacent to the Courthouse, the Market Square Shopping Centre and the Shirley Arms Hotel. The area is generally vibrant with a high footfall of pedestrians and the proposed funeral home would not be an appropriate use in this context. The proposal is not conducive with promoting the development of town centre lands and the funeral home could just as easily be sited on lands zoned for industry, enterprise and employment. The funeral home in question will be intermittently used and will not contribute to the vibrancy or vitality of town centres.

It is also considered that the proposal is an inappropriate use within a designated Architectural Conservation Area. The grounds of appeal go on to set out policies in relation to Architectural Conservation Areas and it is argued that the proposed funeral home would be inappropriate and incompatible with such areas in that the use and design do not enhance the character and appearance of the ACA. The proposed front extension and associated works are poorly conceived and do not enhance, respect and complement the form and scale of the existing town streetscape and architecture as required under the policies set out in the Development Plan.

It is argued that the proposed development incorporates unsympathetic design with a poor quality shopfront and inappropriate signage. Other buildings in the square are of a traditional style, finely detailed with a consistent palette of material and colours. The proposed extension and associated shopfront contributes nothing to the architectural character of the area. No effort has been made to ensure that the building contributes to such an important setting. The design is at odds with the predominant style of signage in Carrickmacross where most shopfronts have separate fascias with pilasters at either end. It is also considered that the shopfront and signage is oversized. Reference is again made in the grounds of appeal to various policy statements contained in the Plan with regard to shopfront design and it is argued that the proposal is contrary to these policy statements. The proposal in this instance represents a lost opportunity.

It is acknowledged that there is no relevant appropriate standards for car parking set out in the Development Plan. However it is suggested that a total of 11.5 spaces would be required to service the parking needs of a development of this nature. It is therefore suggested that there is a shortfall of at least 7.5 spaces. This will certainly give rise to parking stress at times whenever the funeral home is in full operation. It is implausible to suggest that car parks in the vicinity could be used during the period when the funeral home is operational. Many of the car parks are between 300 and 500 metres from the site. It is not considered appropriate to accept either a financial contribution or a reduced car parking requirement in this instance. It is submitted that the funeral home could, at the very least, be required to have on-site parking for staff and visitors given that it attracts a very high parking demand for concentrated periods of time. In this regard an out of town centre would be more appropriate.

The appellant has difficulty accessing her home on days when the local Court is sitting and this will be exacerbated on days when funerals are taking place. No legal documentation has been provided to confirm that the applicant has or will be facilitated in the provision of what amounts to a private right of way across a public car park. It is also queried whether or not the access is appropriate to cater for staff parking. No technical analysis of the proposal was carried out of either radii or car parking spaces that would be lost to facilitate the proposed development. There is real potential for traffic congestion on the N2 main street and the through the car parking area itself.

Section 4 of the grounds of appeal assesses the additional information submitted and again highlights parking problems associated with the development. Concerns that the funeral home would only utilise two-thirds of the building is a significant issue as it represents an underutilisation of town centre land. Should the basement be used, this would again give rise to further traffic generation.

Finally reference is made to a number of conditions which highlight problems associated with the use including the underutilisation of the site in a town centre, problems with marshalling traffic during the period when the funeral home is in operation and further details in relation to shopfront design. It is therefore recommended that the Board overturn the decision of the Planning Authority and refuse permission for the proposed development.

7.0 APPEAL RESPONSES

A response was submitted by Kenneth D. Lonergon and Associates Limited. It is noted that pre-planning meetings took place with Monaghan County Council with regard to the proposal. It is stated that the commercial use is welcomed by the Planning Authority. It is noted that there is an existing funeral home in the town centre already established some 210 metres to the south of Main Street and therefore a precedent for this use has clearly been established. In relation to the existing features on site, all existing natural features are retained.

It is argued that the proposal is in perfect compliance with all planning objectives for town centres. It is a sustainable commercial business suitable for a town centre activity. It provides an opportunity to link existing commercial businesses on either side of the site. The building is simple in form with a simple functional style and will not compete with the established larger civic and commercial buildings on either side of it. The proposed front elevation will provide a more recognisable entrance and also remove the residential look to the building. The space to the front of the funeral home satisfies the need for assembly behind the hearse and brings order and control to vehicular and pedestrian movements in and around the funeral home. The use of materials for shopfront design is appropriate. The dwelling and basement rooms will be used exclusively for the applicant business of the funeral home and ancillary items associated with the running of a successful funeral home. There are two employees on site connected with the administration and business and two part-time employees during periods of operation.

All traffic associated with funerals from the new premises will be marshalled by staff as in the case of normal funerals. Public car parking spaces are well catered for in the vicinity of the site. Pedestrian routes in and around the funeral home are also appropriate. Car parks are in close proximity to the funeral home and allow for short walking distances.

The proposal is minor in nature and will not have any discernible impact on the character of the ACA. It is untrue to state that the proposal will endanger public safety by reason of a traffic hazard. Traffic movements from the existing public car park to the front of the dwellinghouse are controlled in a safe manner.

The proposal is considered to be a convention town centre use and will enhance the social movement between shoppers and visitors of the town. The use of the funeral home over the day is intermittent and removals usually take place in the evening after general shopping hours or mid-morning. The proposal will promote vitality and vibrancy of the area and very much enhances adjoining uses. To say that the funeral home is best suited to outside the town centre is not true. In terms of car parking requirements the Planning Officer has assessed the car parking requirements and has conditioned accordingly. The Planning Officer also recognises that traffic movements in and around the square will not affect the enjoyment or use of the access to the rear of the Courthouse for existing users.

It is considered that Monaghan County Council has adequately examined the application and has assessed the observation in respect of same and considers the proposed development to be suitable from a landuse and traffic point of view.

8.0 PLANNING AUTHORITY'S RESPONSE TO THE GROUNDS OF APPEAL

Monaghan County Council has not submitted a response to the grounds of appeal.

9.0 DEVELOPMENT PLAN PROVISION

The site is governed by the Carrickmacross Town Development Plan 2013-2019. The site is located in an area designated for Town Centre use. The zoning objective for the site is *to provide for the development and improvement of appropriate town centre uses including retail, commercial, residential, cultural and social use with the overall aim of maintaining and strengthening the vitality and viability of the town centre*". In accordance with the land use zoning matrix a funeral home/mortuary is open for consideration under the zoning objective.

The objectives for town centre are as follows:

CK07 – To support the existing town centre use along Main Street while developing and expanding the town centre on Convent lands.

Both the hotel to the immediate south of the site and the Courthouse to the immediate north-east of the site are both listed as protected structures in the County Development Plan.

Section 4.11 of the County Development Plan relates to architectural and built heritage. The objectives for the protection of architectural conservation areas are as follows:

CA01 – To preserve where possible enhance the character and appearance of Architectural Conservation Areas.

CA02 – Protect the built heritage and fabric of the County within the main urban areas and the larger rural centres through the designation of appropriate Architectural Conservation Areas.

CAP1 – Seeks to resist development and would adversely affect the character and appearance of Architectural Conservation Areas.

10.0 PLANNING ASSESSMENT

I have read the entire contents of the file, visited the site in question and have had particular regard to the grounds of appeal. I consider the main issues in determining the application and appeal currently before the Board are as follows:

- Principle of Development on the Subject Site
- Impact on the Architectural Conservation Area
- Shopfront Design
- Parking and Traffic Considerations

10.1 Principle of Development

The site is governed by the zoning objective A – town centre “*to provide for the development and improvement of appropriate town centre uses including retail, commercial, residential, cultural and social use with the overall aim of maintaining and strengthening the vitality and viability of the town centre*”. In accordance with the landuse zoning matrix, a funeral home/mortuary is open for consideration under the zoning objective. It is stated that such uses may be acceptable in some locations where the Planning Authority is satisfied that the proposed use would not conflict with the general objectives for the zoned use and

would be in the interest of the proper planning and sustainable development of the area.

The proposal in this instance seeks a change of use from a residential use to a commercial use. Commercial uses are not only accepted in town centre zonings but are encouraged in order to increase the vitality and viability of the town centre. The Planning Authority in granting planning permission for the proposed development appears to be also satisfied that the proposed development would not conflict with the general objectives for town centre uses and would be in the interest of proper planning and sustainable development of the area. The grounds of appeal suggest that a funeral home could be just as easily sited on lands zoned for industry, enterprise and employment. This may well be the case, but this does not in itself preclude a grant of planning permission for the proposal of the town centre lands. The grounds of appeal also argue that the funeral home incorporating an intermittent use would contribute modestly to the vitality of this town centre. It is appropriate in my view that commercial uses should be encouraged in town centre locations particularly on main streets. The proposal will generate commercial activity to a greater extent than the existing residential use on site. It is also apparent from the applicants' response to the grounds of appeal that an existing funeral home is located on lands zoned for town centre uses in Carrickmacross. A precedent in this regard exists. I consider commercial uses including funeral homes are best located in easily accessible commercially zoned areas such as town centres and I therefore consider the proposed development to be acceptable in principle.

10.2 Impact on the Architectural Conservation Area

What is proposed in this instance is a change of use. There is minimal intervention in terms of physical alterations to the existing structure. The size, scale and form of the existing building on site will not be altered as a result of the proposed development and will change to a minimal extent in the context of the two adjoining protected structures. I acknowledge that the architectural conservation area in question merits a special control in relation to design having regard to the fine stone facades of both the Shirley Arms Hotel and the Courthouse. However I would not accept that a change of use at the existing residential dwelling to a funeral home will in any way detract from the character of the existing architectural conservation area. In fact it could be reasonably argued that the incorporation of a commercial building between an existing hotel and an institutional use is more compatible in land use

terms than the existing residential dwelling. The minimum intervention proposed would not in my view detract from the Architectural Conservation Area over and above that which currently exists on site.

It should also be borne in mind that the existing structure and site is not readily visible from vantage points along the main street as it is positioned in behind the Shirley Arms Hotel. The building therefore is not visually prominent from vantage points northwards along the Main Street and as such, it will not detract from the ACA when viewed from vantage points to the south along Main Street.

10.3 Shopfront Design and Inappropriate Signage

Relating to the points made in the previous paragraphs, I consider the overall minimal intervention in this instance is appropriate in design terms; not only in the context of the architectural conservation area but also in terms of general aesthetics. The existing building on site represents a typical 1960s/early 1970s suburban type residential development which contributes little to the aesthetic quality of the architectural conservation area or the setting of the two protected structures on either side. The proposed shopfront element, which comprises of a simple dark fascia on top of simple pilasters, will create a more recognisable and appropriate frontage for a commercial use on site. The proposed design is simple, contemporary and uncluttered which, in my view, will most appropriately blend in with the protected structures on either side. The grey material finish will adequately reflect the stone finishes on the protected structures either side.

It should be borne in mind that the shopfront proposed relates to a 40 to 50 year old suburban dwelling. Superimposing a traditional shopfront would be inappropriate, notwithstanding the fact the site is located within an Architectural Conservation Area.

Section 8.7.2 of the County Development Plan relates to new shopfronts. It requires that new shopfronts should maintain vertical and horizontal lines and should have the façade differentiated and be consistent in scale and character with other buildings on the street. I consider that the overall design approach in this instance respects these objectives.

10.4 Parking Arrangements

The grounds of appeal acknowledge that there is no relative appropriate standard for parking as set out in the Parking Standards in the County Development Plan. However it goes on to suggest that at least 11.5 spaces should be provided to cater for the proposal. This is based on three spaces for staff members, one space for deliveries and services and 7.5 spaces based on the amount of rooms within the funeral home. The Planning Authority have acquired a standard based on office/financial and professional services which equates to one space per 25 square metres gross floor area. Having regard to the development types set out in Table 15.2 of the Development Plan, I would agree that this is perhaps the most appropriate land use to equate to the proposal currently before the Board. The material change of use relates to the ground floor and first floor only and that involves an area of 166 square metres. Accordingly seven parking spaces would be required to cater for the proposed development. The applicant is proposing to provide three car parking spaces to the rear. This results in a shortfall of four car parking spaces. The Planning Authority has also applied a parking credit for the existing dwelling (four to six bedrooms) of four parking spaces. Having regard to the above I do not consider that a car parking levy is necessary in this instance. However I note that Condition No. 3 of the Planning Authority's grant of planning permission included a financial contribution of €1,150 towards expenditure to be incurred or proposed to be incurred by the Council in the provision of parking facilities. It is assumed that this financial contribution is levied under the general financial contribution scheme and is not specifically in lieu of car parking provided.

The grounds of appeal also suggest that the proposed development will give rise to significant parking congestion in and around the development when the funeral home is operation. I do not accept this contention. Car parking is available in the form of a public car parking area comprising of 18 car parking spaces to the front of the building. Having inspected the site I noted that there are alternative surface car parking areas in locations in the vicinity. These are indicated on a map attached to the applicant's response to the grounds of appeal. It is clear that there is ample surface car parking in the vicinity of the site to cater for demand during periods when the funeral home is operating.

The information on file indicates that the funeral home would be operated infrequently possibly 20 times a year (between one or times a month). It would be inappropriate in my view to require the applicant to

provide dedicated car parking associated with the funeral home for such intermittent use.

With regard to the proposed access to the staff car parking to the rear of the dwelling I have inspected the site and the laneway leading to the proposed parking area. I consider that the laneway in question is generally suitable to cater for the modest traffic that will be generated by the proposal. I also note that this laneway currently serves the appellant's dwelling. There are pinch points on the laneway which would not allow for passing vehicles. However the laneway beyond the public parking area is c.30 metres in length and traffic generated by the proposal would be negligible. It should be borne in mind that the car parking in the rear garden of the site is to cater for staff only and not the general public.

10.5 Basement Use of Existing Structure

Finally the grounds of appeal suggest that the omission of the basement from the proposed development represents inefficient and uneconomic use of a commercial building. The applicant has indicated that the basement area will be used for ancillary storage purposes. I do not think it inappropriate that the Planning Authority or the Board require a specific use for this area. The basement should remain as ancillary use in the absence of applying for planning permission for another use on site.

11.0 Appropriate Assessment

I note the Appropriate Assessment Screening exercises undertaken in the Local Authority Planning Report and I would agree with the conclusions contained in Section 6. Having regard to the nature of the proposed development which involves a change of use and will not involve any substantial building works, together with the separation distance between the site and any designated Natura 2000 sites, (the nearest Natura 2000 site – Dundalk Bay SPA and SAC) is in excess of 23 kilometres from the site, A stage two Appropriate Assessment is not required in this instance. Therefore having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity to nearest Natura 2000 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.

11. DECISION

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the landuse zoning provisions of the site which is designated for town centre use and the commercial nature of the proposed development, it is considered that the proposed development, subject to conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact on the character and integrity of the designated Architectural Conservation Area relating to the site and its surroundings, or the setting of the adjoining protected structures, and would generally be acceptable in terms of traffic safety and convenience. The proposed development 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 drawings received by the planning authority on the 17th day of June 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. The funeral home shall operate within the hours of 08.00 to 12.00.

Reason: In the interest of orderly development.

4. The basement area associated with the existing structure shall be ancillary to the main use and shall not be used for any other commercial or residential purpose in the absence of obtaining planning permission.

Reason: In the interest of amenity.

5. The applicant shall ensure that all removals and public attendance associated with the funeral home are appropriately marshalled at the applicant's expense to ensure that traffic and pedestrian access to the building and the adjoining car parking area are marshalled in a controlled and safe manner.

Reason: In the interest of traffic safety.

6. Details of the proposed shopfront/design shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. Details of the proposed on-site staff parking area shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

8. No advertisement or advertising structures shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from the outside of the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. No flags, symbols, emblems, logos or other advertising devices shall be externally erected on the building or anywhere on the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

10. The developer shall pay to the planning authority a financial contribution of €581 (five hundred and eighty one euro) in respect of community recreation and amenity public infrastructure and facilities 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11. The developer shall pay to the planning authority a financial contribution of €1,150 (one thousand one hundred and fifty euro) in respect of car parking 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Paul Caprani,
Senior Planning Inspector.**

9th November, 2015.

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