



Board Direction

Ref: PL29S.246245

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 23rd, 2016.

The Board treated this case under section 49(3) of the Planning and Development Act, 2000, as amended. The Board also decided, generally in accordance with the Inspector's recommendation, that the planning authority be directed, as follows:

Remove condition number 3

REASONS AND CONSIDERATIONS

Having regard to:

- the parent planning permission (PA Ref.4071/09 and ABP Ref. PL29S.237295) under which works have commenced on site which included a condition that required the payment of a S.49 contribution towards Metro North,
- the nature and extent of the development proposed in the subject application which comprises minor amendments to the development permitted under ABP Ref. PL29S.237295 including changes to elevational treatments, glazing fenestration, doorways and stair cores and does not entail the provision of any additional floorspace,
- the provisions of the Dublin City Council Supplementary Development Contribution Scheme, Luas Red Line Docklands Extension (Luas C1) which was adopted subsequent to the permission granted under ABP Ref. PL29S.237295 and which requires the payment of supplementary development contributions for commercial development on a per square metre basis (Ref. Section 10, 'Rate of Levy'), and
- the report of the Inspector and all documentation on file,

it is considered that the site of the proposed development is located within an area where the Supplementary Development Contribution Scheme applies but that there are no provisions within the scheme that empower the planning authority to levy a supplementary development contribution on a proposal for minor amendments to a previously permitted scheme, where no additional floorspace is proposed. Accordingly, condition number 3 should be removed.

Board Member: _____ Date: June 23rd, 2016
Nicholas Mulcahy