

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/774

An Bord Pleanála Reference Number: PL 09.245780

APPEAL by Ivan Johnston care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 20 of its decision made on the 22nd day of October, 2015.

PROPOSED DEVELOPMENT: Retention of the following as-constructed alterations to dwelling previously granted under planning register reference number 04/1472: (a) as-constructed two storey dwelling, (b) agricultural machinery storage shed to rear of dwelling (including carport at front) with part domestic use at first floor level, (c) first floor extension comprising enclosed walkway from first floor of dwelling to first floor of agricultural machinery shed to rear, (d) as constructed on site wastewater treatment system and percolation area and (e) all associated site development and facilitating works at Brewel House, Brewel West, Colbinstown, Dunlavin, County Kildare.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 20 and directs the said Council to AMEND condition number 20 so that it shall be as follows for the reasons stated.

20. The developer shall pay to the planning authority a financial contribution of €13,306 (thirteen thousand, three hundred and six euro) in respect of public infrastructure and 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, as amended. 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 An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

REASONS AND CONSIDERATIONS

Having regard to the nature of the development to be retained as described in the public notices and as permitted, and to the provisions of the Kildare County Council Development Contribution Scheme 2011–2018, the Board is satisfied that the development comes within the scope of Section 12(c)(iv) of the scheme, in the particular circumstances of this case. Development contributions in respect of the house in question have been paid in full. The Board generally concurred with the planning authority's initial approach in this particular instance, in applying the requirement for development contributions to the extended area only.

The Board is satisfied that the domestic leisure area and connecting walkway (less 40 square metres) should be charged at the residential extension rate of €74.64 per square metre and that the ground floor shed and car port would be appropriately charged at the miscellaneous rate of €27.51 per square metre.

