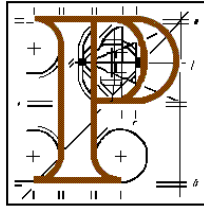


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3756/15

An Bord Pleanála Reference Number: PL 29S.245937

APPEAL by Carechoice (Parnell Road) Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 27th day of November, 2015.

PROPOSED DEVELOPMENT: Demolition of the existing single and three-storey structure and construction of a four-storey over basement nursing home comprising 122 bedrooms (147 bed spaces) in a mix of single and double bedrooms with southwest facing balcony's at first, second and third floor levels, also 40 number basement and 25 number surface car parking spaces (65 number in total). Ancillary accommodation comprises backup generator, bin store and covered cycle parking. Site works include relocation of existing vehicular entrance, landscaping and ancillary works, all at site of the former Menni House, Parnell Road, Harold's Cross, Dublin.

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 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

2. The developer shall pay to the planning authority a financial contribution of €376,427.13 (three hundred and seventy-six thousand, four hundred and twenty seven euro and thirteen cent) 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 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

It is considered that the planning authority did not properly apply the Development Contribution Scheme in this instance, having regard to the provisions of paragraph 13 of the Scheme, as the reduced rate of contribution should apply to the entirety of the proposed basement car park.

