



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4282/16

Appeal by The Artane School of Music care of John Spain Associates of 39 Fitzwilliam Place, 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 9th day of February, 2017.

Proposed Development: Refurbishment and upgrade works and construction of single storey extension to the west elevation and a two-storey extension to the east elevation of the existing Artane School of Music building to provide for additional rehearsal space, classrooms, reception area and ancillary offices. The overall gross floor area of the building will increase from 1,346 square metres to 1,689.6 square metres. Development to include the provision of a reconfigured marching area (circa 1,522 square metres), and 54 number surface car parking spaces and all associated landscape works.

The development will also consist of the construction of seven number residential units, comprising two number semi-detached two-storey four bedroom units, one number detached two-storey four-bedroom unit, two number semi-detached 2.5 storey five bedroom units, and two number detached 2.5 storey five bedroom units. The provision of two number curtilage car parking spaces per unit. Development includes private open space, revised boundary treatment throughout, modifications

of existing access road from Saint David's Park to the east of the site including new entrance gates and all associated site and infrastructural works including foul and surface water drainage, landscaping (hard and soft), boundary treatment, new internal roads and footpaths. All on this 0.98 hectare site at the Artane School of Music, Saint David's Park, Artane, 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.

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.

2. The developer shall pay to the planning authority a financial contribution of €104,803.20 (one hundred and four thousand, eight hundred and three euro and twenty 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 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.

