

Board Order PL 11.248725

Planning and Development Acts 2000 to 2017

Planning Authority: Laois County Council

Planning Register Reference Number: 16/473

Appeal by Peter Watchorne care of Anthony Lambe of Saint Jude's, Nicholstown, Kilcullen, County Kildare in relation to the application by Laois County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 6 and 7 of its decision made on the 1st day of June, 2017.

Proposed Development: (a) Retention of change of use from squash courts on ground floor to commercial gym use; (b) retention of change of use of squash club gym at first floor to commercial gym use; (c) retention of three number windows to side elevation and one number window to front elevation; (d) retention of signage to front elevation, all at Manor Street, Mountmellick, County Laois.

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 conditions numbers 6 and 7 and directs the said Council to REMOVE conditions numbers 6 and 7 and the reasons therefor.

Reasons and Considerations

Having regard to the planning history on the appeal site where payment of a development contribution to the planning authority in accordance with the statutory provisions pertaining with the grant of permission was required and which was subsequently complied with and the nature of the change of use from a squash club to a gymnasium and the provision as stated in Part 4 Article 10 Exempted Development - Classes of Use Class 11 (e) of the Planning and Development Regulations 2001, as amended, it is considered that the payment of a further contribution would not, therefore, be appropriate having regard to the provisions as set out in the "Development Contributions Guidelines for Planning Authorities" published by the Department of the Environment, Community and Local Government in January 2013, in particular section 2 of the said Guidelines and also to section 6.5 of the Laois Development Contribution Scheme 2013 relating to change of use and to deduction for any contributions paid on any previously permitted development. It is considered, therefore, that the terms of the Laois County Development Contribution Scheme 2013 – 2017 have not been properly applied in this case and condition numbers 6 and 7 should be removed.

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.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of

2017

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