



An
Bord
Pleanála

Board Order
PL 09.249235

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/515

Appeal by CPMD Construction Limited – Colm Moriarty and Paul Doyle care of Kennedy Woods Architecture of The Old Stables, 4 Dartmouth Place, Ranelagh, Dublin 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 12 of its decision made on the 16th day of August, 2017.

Proposed Development: Change of use of the existing two-storey building from two number ground floor retail units and one number first floor residential apartment to two number, two-storey townhouse dwellings, window and door alterations to the School Street and adjoining laneway facades, reduction in size to first floor rear terrace and all ancillary works, all at School Street, Kilcock, 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 12 and directs the said Council to AMEND the said condition number 12 so that it shall be as follows for the reason stated.

12. The developer shall pay to the planning authority a financial contribution of €10,000 (ten thousand euro) in respect of a shortfall of car parking facilities 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

Having regard to Section 17.7.6 of the Kildare County Development Plan 2017 – 2023, to the Kildare County Council Development Contribution Scheme 2015 – 2022 and to the information on the file, it is considered that the extent to which the development is likely to generate demand for additional parking spaces is two number spaces per dwelling, a total of four number spaces, less two number spaces (1.5 spaces per unit plus 0.25 spaces for visitors) for the existing apartment. This equates to €10,000 as per Section 8 (v) of the Kildare County Council Development Contribution Scheme 2015 – 2022.

