



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0061

Appeal by Prospectside Limited care of McGill Planning Limited of 1st Floor, 7 Fitzwilliam Street Upper, Dublin in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 23 of its decision made on the 17th day of April, 2018.

Proposed Development: Modifications to permission (planning register reference number SD17A/0211) to include the following:

The permitted four-storey with mezzanine over basement mixed-use building will be amended as follows: Reconfiguration and reduction in floor area of the permitted basement to circa 710 square metres, change of use of stores, plant, toilets and ancillary areas to fitness room, gym/changing rooms, showers/toilets, stores and ancillary office areas; Reduction in floor area of the permitted ground floor to circa 921 square metres and increase in floor area of the permitted ground floor mezzanine to circa 675 square metres. Reconfiguration and change of use of permitted exhibition space, lobbies and delivery route to offices, reception and lobby areas at ground floor and ground floor mezzanine levels; Reconfiguration and increase in floor area of the

permitted first floor to circa 912 square metres, change of use of permitted café/bistro to offices and omission of east facing terrace; Reconfiguration and increase in floor area of the permitted second and third floor offices to circa 912 square metres each; Provision of two additional floors comprising offices with a floor area of circa 912 square metres each; Alterations to finished floor levels, elevations and ancillary areas throughout; The gross floor area of the proposal will increase by circa 1,542 square metres. The total gross floor area of the proposal is circa 6,866 square metres. The permitted demolition works to the Red Cow Inn will revert to their existing condition at all levels save for minor amendments including shared fire exit at ground floor level.

Services provision, access, car/bicycle parking, landscaping and boundary treatment works as permitted under planning register reference number SD17A/0211;

All associated site development works, all on a site of circa 0.21 hectares comprising the Coby Autos premises and a portion of the Red Cow Inn on lands within and adjoining the Red Cow Complex, Naas Road, 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 23 and directs the Council to AMEND condition number 23 so that it shall be as follows for the reason stated.

23. The developer shall pay to the planning authority a financial contribution of €420,655.48 (four hundred and twenty thousand, six hundred and fifty five euro and forty eight 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

The Board considered that South Dublin County Development Contribution Scheme 2016-2020 was not properly applied in this instance, in that the planning authority did not take into account the floor area of the existing building which is to be demolished to permit construction of the development approved under planning register reference number SD17A/0211, as modified by this permission, in accordance with Article 10 (xxviii) of the scheme.

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.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.