



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0131

Appeal by Ian Stritch care of Paul O'Connell and Associates of 3 Vesey Terrace, Main Street, Lucan, County 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 11 of its decision made on the 16th day of October, 2018.

Proposed Development: Change of use of Unit 4 from use as a retailing shop (formerly in use as a butcher's shop) to use as a delicatessen where hot and cold edible food products will be prepared within the unit for their purchase and consumption off the premises (not as a use commonly known as a fast-food takeaway). The development will include associated internal alterations and minor changes to elevations. All at Unit 4 Montpelier Court, Kiltalown, Tallaght, 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 11 and directs the said Council to REMOVE condition number 11 and the reason therefor.

Reasons and Considerations

Having regard to:

- (a) the submissions made in this appeal,
- (b) the planning history of the site,
- (c) the provisions of the South Dublin County Council Development Contribution Scheme 2016-2020, and
- (d) the correspondence received by An Bord Pleanála on the 15th day of April, 2019 from the appellant in response to a Section 132 notice,

the Board considered that the payment of a further development contribution would not be appropriate in this instance. It is, therefore, considered that the terms of the South Dublin County Council Development Contribution Scheme 2016-2020 have not been properly applied in this case, and condition number 11 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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.