



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2791/19

Appeal by Anne Parsons care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County 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 19th day of August, 2019.

Proposed Development: Works to the existing two-storey over basement building to include the conversion and change of use of basement and ground floors to new yoga facility while maintaining the existing residential one-bedroom apartment at first floor level, together with the demolition of existing single-storey builders material storage sheds to the rear (north) and construction of new single-storey yoga studio structure and courtyard garden to the rear (north) with a single storey link to existing building and construction of new single-storey extension to the side (east) of existing main structure to give a total new build area of 254 square metres. All with associated services at 7 Seapoint Terrace, Strand Street, Irishtown, 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.

2. The developer shall pay to the planning authority a financial contribution of €4,164 (four thousand one hundred and sixty four euro) 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

Having regard to the provisions of the Dublin City Development Contribution Scheme 2016-2020 which provides an exemption from levies for a change of use from one commercial use to another, the planning authority erred in applying the levy under condition number 2 to the 151.05 square metres area proposed for change of use, in addition to the 254 square metres area of new floor space.

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.

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

Dated this day of 2020