



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0797

Appeal by Melcorpo Commercial Properties Unlimited Company care of BMA Planning of Taney Hall, Eglinton Terrace, Dundrum, Dublin in relation to the application by Dún Laoghaire-Rathdown County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 15, 16 and 17 and in relation to the inclusion of special contribution condition number 19 of its decision made on the 28th day of July, 2020.

Proposed Development: Demolition of all existing buildings (1,985 square metres) on site and the construction of a four storey Primary Care Centre and General Practitioner (GP) Surgery with a gross floor area of 4,267 square metres. The accommodation will consist of treatment rooms, consultation rooms, meeting rooms, staff facilities, ancillary offices and ancillary accommodation over four floors, with a maximum height of 16.955 metres. The building also includes an own door pharmacy (101 square metres) at ground floor. Permission is also sought for an ESB substation and switch room (35 square metres), bin store (19 square metres), a vehicular drop off area the main building entrance, 61 number surface carparking spaces, four number motorcycle parking spaces and 62 number bicycle parking spaces, landscaping, lighting, external signage and all associated site and

development works. Vehicular access/egress to the proposed development is via two points off Loughlinstown Drive (one existing access to be retained and one proposed access point), all at 0.5685 hectare site on lands at Loughlinstown Drive (0.5685 hectare), Loughlinstown, County Dublin comprising Loughlinstown Industrial Estate and part of HSE Health Centre. (As amended by the further public notice received by the planning authority on the 8th day of July, 2020).

Decision

The Board, 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 15, 16 and 17 and directs the said Council under section 48 of the Planning and Development Act, 2000, as amended, to AMEND the said conditions numbers 15, 16 and 17 and the reasons therefor.

Furthermore, the Board considered, based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 19 and directs the said Council under section 49 of the Planning and Development Act, 2000, as amended, to REMOVE the said condition number 19.

Conditions

15. The developer shall, prior to commencement or as otherwise agreed in writing with the planning authority, pay the sum of €5,823.59 (five thousand and eight hundred and twenty three euro and 59 cents) to the planning authority as a contribution towards expenditure that was/or is proposed to be incurred by the planning authority in respect of the provision of surface water public infrastructure and facilities benefiting development in the area of the authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1st January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the surface water public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the local authority.

16. The developer shall, prior to commencement or as otherwise agreed in writing with the planning authority, pay the sum of €133,485.22 (one hundred and thirty three thousand and four hundred and eighty five euro and 22 cents) to the planning authority as a contribution towards expenditure that was/or is proposed to be incurred by the planning authority in respect of the provision of the roads public infrastructure and facilities benefiting development in the area of the authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1st January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the roads public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the local authority.

17. The developer shall, prior to commencement or as otherwise agreed in writing with the planning authority, pay the sum of €86,622.09 (eighty six thousand and six hundred and twenty two thousand euro and 9 cents) to the planning authority as a contribution towards expenditure that was/or is proposed to be incurred by the planning authority in respect of the provision of the community and parks public infrastructure, facilities and amenities benefiting development in the area of the authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1st January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the community and parks public infrastructure, facilities and amenities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the local authority.

Reasons and Considerations

The Board considered that in calculating the amount to be paid with respect to public infrastructure and facilities benefiting development in the area of the planning authority, the relevant terms of the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020, as adopted, had been improperly applied in respect of conditions numbers 15, 16 and 17 in that the proposed development does come within a specified category of development subject to an exemption or reduction in the amount payable pursuant to the Scheme.

The Board further considered that in calculating the amount to be paid with respect to the extension of the Luas Line B1 from Sandyford to Cherrywood in the area of the planning authority, the relevant terms of the Section 49 – Supplementary Development Contribution Scheme for Extension of Luas Line B – Sandyford to Cherrywood, as adopted, had been improperly applied in respect of condition number 19 in that the proposed development does come within a specified category of development subject to an exemption in the amount payable pursuant to 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 2020.