

An
Bord
Pleanála

Board Order
ABP314441-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6001/22-S3

Appeal by Belmayne Development Company Limited care of HRA Planning (Limerick) of 3 Hartstonge Street, County Limerick 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 Numbers 2 and 3 of its decision made on the 3rd day of August 2022.

Proposed Development:

Modification to existing planning permission for a permitted Strategic Housing Development granted under An Bord Pleanála Reference Number ABP-310077-21 and amended under An Bord Pleanála Reference Number ABP-312264-21, to include; the construction of roof plant infrastructure consisting of two number heat pumps enclosed by louvre screening; a mechanical flue pipe encased in a rendered wall; and the relocation of the permitted Automatic Opening Vent on the roof of the permitted four-story apartment block located at the north-western section of the site which fronts onto the Churchwell Road all located at Belmayne P4, adjacent Churchwell Road and Churchwell Crescent, Dublin 13.

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 Numbers 2 and 3 and directs the said Council to REMOVE Condition Numbers 2 and 3 and the reasons therefor.

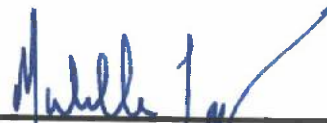
Reasons and Considerations

It is considered that the levies imposed under Condition Numbers 2 and 3 failed to take account of the development already permitted and subject to the Dublin City Council Development Contribution Scheme under An Bord Pleanála Reference Number ABP-310077-21.

Having regard to section 48(12) of the Planning and Development Act 2000, as amended, it is considered that Condition Number 3 fails to specify the particular works carried out, or proposed to be carried out, by the local authority to which the contribution relates, and it is considered that the recommendation by the planning authority to omit Condition Number 3 is appropriate.



In not agreeing with the Inspector's recommendation to amend Condition Number 2 which would allow for the area of the rooftop plant to be accounted for in the Development Contribution Scheme, the Board had regard to the nature of the building as a multi-unit residential building, where under the relevant scheme, "only the gross floor area of each residential unit will be included", and where the rooftop plant which is open to the elements could not be considered to be floor area, it is considered that the permitted area of roof top plant would not be subjected to the Development Contribution Scheme, and that Condition Number 2 shall be omitted.



Michelle Fagan

Member of An Bord Pleanála

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



Dated this 8th day of December 2022