

An
Bord
Pleanála

Board Order
ABP-321864-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0927/WEB

Appeal by DKG Properties Limited care of McGill Planning Limited of 9 Upper Pembroke Street, 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 13, 20, 21 and 22 of its decision made on the 22nd day of January 2025.

Proposed Development: Demolition of properties at numbers 47 (a and b), and number 49 Patrick Street and outbuilding to the rear. Construction of new residential apartment blocks in their place. Renovation, refurbishment, extension and change of use of existing buildings numbers 46 (a and b), 48 (a and b) and 1-6 Rogan's Court to residential apartments. The scheme will provide a total of four number apartment blocks (blocks A-D) ranging in height from two to four storeys; delivering 26 number units comprising two number studios, six number one-beds, 16 number two-beds (three and four person), and two number three-beds. All apartments will have private open space either facing north/south/east/west. Provision of single storey bicycle storage building (Block E). Continued use of the existing vehicular and pedestrian/cyclist access from Patrick Street between numbers 46b and 47a to serve the new development. Removal of existing vehicular access to

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number 49, numbers 46a-49 Patrick Street and 1-6 Rogan's Court. Provision of communal open space, car parking, bin stores, landscaping, boundary treatments, sites services and all associated site development works at numbers 46a-49 Patrick Street and 1-6 Rogan's Court, Dun Laoghaire, County 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 been properly applied in respect of condition number 13 and had not been properly applied in respect of conditions numbers 20, 21 and 22 and directs the said Council to ATTACH condition number 13 and the reasons therefor and to AMEND conditions numbers 20, 21 and 22 so that they shall be as follows for the reasons stated.

20. The developer shall pay to the planning authority a financial contribution of €2,088.32 (two thousand and eighty eight euro and 32 cents) in respect of surface water infrastructure 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.

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.

21. The developer shall pay to the planning authority a financial contribution of €31,325.66 (thirty one thousand, three hundred and twenty five euro and 66 cents) in respect of transport infrastructure 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.

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.

22. The developer shall pay to the planning authority a financial contribution of €175,423.58 (one hundred, seventy five thousand and four hundred and twenty three euro and 58 cents) in respect of community and parks facilities and recreational amenities 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.

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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 (1)

Having regard to Section 6 (Contribution in Lieu of Public Open Space) of the current Dún Laoghaire Rathdown Contribution Scheme 2023-2028, including Section 6.2 that sets out that 'where the standards for public open space referred to in the County Development Plan are not met and/or that open space cannot be facilitated within the development, an additional financial contribution of €7,500,000 per hectare shall be calculated on a pro rata basis on the quantum of the shortfall in public open space and monies paid in accordance with such condition shall be applied to the provision of and/or improvements to a park and/or enhancement of amenities in the area', the Board was satisfied that the planning authority has correctly applied the terms of the Development Contribution Scheme with respect to requiring a financial contribution in lieu of open space.

Reasons and Considerations (2)

Having regard to Section 7 (Exemptions and Reductions) including of particular relevance:


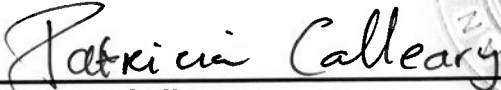
- (a) Section 7.1 (xiv) of the current Dún Laoghaire Rathdown Contribution Scheme 2023-2028 which lists 'changes of use of an existing premises' as being exempt from the requirement to pay development contributions under the Scheme and which the Board was satisfied applies in this instance to the change of use of numbers 46 (a and b), 48 (a and b) and 1-6 Rogan's Court, that is, 10 number offices to 10 number residential

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units, and

- (b) Section 7.2(i) which lists that 'where existing residential development is demolished and replaced by new residential development, contributions payable in respect of the replacement development shall be reduced by an amount equivalent to 50% of the contribution that would have been levied in respect of the original existing development had it been subject to the Scheme' and which the Board was satisfied applies to the demolition and replacement of one number dwelling at number 49 Patrick Street, equating to 0.5 unit (50%),

it is considered that the planning authority has incorrectly applied the terms of the Development Contribution Scheme with respect to the available exemptions and reductions in respect of these three conditions.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 11th day of June 2025.