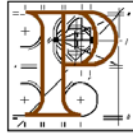


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29N.245935

Development: Alterations to planning approval 2060/12, new basement car parking beneath 4 storey nursing accommodation, additional activity room, lift ramp, remove surface car park and convert to amenity space at Beneavin Lodge, Private Nursing Care Facility, Glasnevin, D 11

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3454/15
Applicant: Beneavin Contractors Ltd.
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Peter Loughlin and Stella Treacy
Type of Appeal: 3rd Party
Observers: None
Date of Site Inspection: 10th March 2016

Inspector: Fiona Fair

1.0 SITE LOCATION AND DESCRIPTION

The appeal site, which has an area of 11,930 sq. m (1.19 ha), is located on the south side of the Beneavin Road in Glasnevin, Dublin 11. The site is rectangular in shape with an east to west main axis onto the Beneavin Road. The mature housing estate of Beneavin Park is located to the opposite side of the Beneavin Road.

The appeal sites road frontage to the Beneavin Road is approx. 160 m in length and is defined by a rendered capped wall of c. 2m in height. The rear southern boundary of the site abuts the playing fields of the Beneavin De La Salle Boys Secondary School whose buildings bound the subject site to the west. The eastern boundary is bounded by mature low density residential development in the form of the rear garden areas of detached and semi-detached two storey homes on Ferndale Road and the single storey detached bungalows of Beneavin Road, which includes the appellant's property at 42 Beneavin Road.

The appeal site hosts two interlinked buildings, Beneavin House to the west and Beneavin Lodge to the east. Both combine as a nursing care facility offering sessional, respite and residential care. Access to the appeal site is from Beneavin Road via 3 no. vehicular access points, the westernmost is at Beneavin House, the central a service access and the easternmost is the main vehicular entrance to Beneavin Lodge, adjacent to the appellant's site. It is submitted that this entrance has only recently been installed as a replacement for one removed as part of the development works enabled under the latest two planning permissions.

2.0 PROPOSED DEVELOPMENT

Planning Permission sought for:

- Alterations to Reg. Ref. 2060/12 by the provision of new basement car park to accommodate 37 no. car spaces, cycle stands and bulk stores beneath the approved four storey nursing care accommodation wing to the south of the site to include minor alterations to the eastern end of this four storey block at ground

floor level to provide reception with lift and stairs to the basement below and the floors above.

- At the upper floors above reception additional activity room accommodation
- A further lift is proposed to create access to the existing reception within Beneavin Lodge.
- Vehicular access to the basement would be by way of a ramp parallel to the playing field boundary from the newly created access road off Beneavin Road, approved under planning ref. 3602/14.
- The basement parking allows the removal of surface parking provision which would be converted to landscaped amenity space.
- The demolition of the single storey element of the existing entrance foyer and adjacent day room, to create an open landscaped secure courtyard.
- Extension of Reg. Ref. 3602/14 which provided for 6 residential nursing care accommodation for those suffering from dementia, by the addition of new end of life palliative care suites with new ground floor reception and GP office, sluice and activity rooms at upper floors over, and a basement with plant rooms, storage, lift and stairs providing access to and from the basement parking.
- Alterations to storm and foul drainage
- Hard and soft landscaping at surface level.

Retention Permission sought for:

- A new pedestrian entrance off Beneavin Road to Beneavin Lodge Reception

3.0 PLANNING HISTORY

Reg. Ref. 3602/14 Permission Granted (Jan 2015) for the enlargement of the existing elderly nursing care facility known as Beneavin Lodge to the east of the site by the addition of a new Specialist Dementia Wing to provide care services for residents suffering from Alzheimer's. The proposed new three storey unit will be located facing on to Beneavin Road. A small single-storey section of the existing Beneavin Lodge next to the existing building entrance will be demolished. The

scheme will include the conversion of an existing, vacant, assisted living single-storey building to the east of the site to become a specially designed social activity with customised internal and external recreational facilities and services provided for the specific use of the Proposed New Dementia Wing. To accommodate this proposal the existing site entrance from Beneavin Road will be closed off and relocated further to the east of the site at the rear of the existing, vacant assisted living building and a new one way system adopted to ensure a coherent strategy for access, drop off, additional parking (including Disabled Parking and cycle parking) to all units within the Beneavin Lodge part of the campus, and involves the removal of one tree. There will be a provision for 39 cars (2 for disabled use) and 12 cycles in a covered stand. Additionally, the March 2012 planning approval (ref. 2060/12) will have minor modifications to provide a new entrance at the easterly end of the approved 4-storey block to the south of the site adjacent to the playing fields. Included in the proposal will be the provision of a quality landscaping scheme, new boundary walling and railings, and all drainage works to comply with current Dublin City Council standards.

Reg. Ref. 2060/12 Permission and Retention Permission Granted (April 2012) for additions to Beneavin lodge, including additional staff rest facilities at ground floor level, and activity rooms for residents at ground, first and second floor levels, and external activity space at first floor level; and the proposed extension and enlargement of Beneavin Lodge to provide additional bed spaces for residents and improved environment in compliance with HIQA requirements. The proposed enlargement of the existing two storey elderly nursing care facility, known as Beneavin Lodge, will increase total bed numbers by 93 residents and upgrade day, activity space and staff rest and training provision to meet latest Nursing Home Care Standards as set out under HIQA guidelines. The proposal will include a third storey to the section of the building facing onto Beneavin Road, with an additional two storeys on the rear elevation facing the school playing fields to match the adjacent facility at Beneavin House. The proposal will also include for additional storm water

attenuation, external recreation space at upper floor levels, increasing parking, facilities for disabled and general landscaping provision.

Reg. Ref. 3797/08 Permission Granted (Aug 2008) for changes to previously approved plans at Beneavin House providing separate catering, laundry and staff facilities at Beneavin House (ref. no. 2989/07) and Beneavin Lodge (ref. no. 3178/02) enabling them to operate as totally independent units with separate facilities. This will include works involving the closure of all access doors between the two units. The changes will also include an additional fire escape stairway as per the conditions set down under the fire safety certificate (ref. no. FSC 1414/08) and the location of an electricity substation on the site.

Reg. Ref. 2989/07 Permission Granted (May 2008) to demolition the existing building, Beneavin House, former residential home for Brothers of the De La Salle Order, and erection of a new three storey building to Beneavin Road, rising to four storeys at the rear of the site, adjacent to the school playing fields. This new building will provide 65 Nursing Care beds and 18 Convalescent beds over three floors; and also provide 20 independent/assisted living units in a mix of one and two bedroom apartments over two floors, complete with common recreation and activity facilities. The proposal will connect to the existing nursing care facility, Beneavin Lodge, This decision was appealed to ABP PL29N.225711 – the appeal related to contributions, condition 12, only.

Reg. Ref. 3178/02 – Planning permission granted for 62 no. bed nursing home with 3 no. independent living units.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The Planners report reflects the draft decision to grant planning permission. It is considered that the proposed development is modest in scale and will not have a significant adverse impact on surrounding residential amenity.

Roads and Traffic Planning Report: No objection subject to condition

Drainage Division Report: No objection subject to condition.

NOTE: An Bord Pleanála referred the file to the **HSE**. A response was forthcoming which sets out that the HSE has reviewed the documentation received and no other documentation was reviewed by their office. It is advised that if any queries arise that the principle EHO be contacted.

Objections/Submissions

Submissions were received by the planning authority. The issues raised are similar to those raised by the third party, summarised in detail below.

Planning Authority Decision

Following a Request for Further Information with respect to: (1) revised drawings clearly labelling development which has been approved under earlier permissions and the structure which is proposed as part of the current application. (2) Contextual elevation showing the proposal in relation to the adjacent residential development to the east. (3) Revised floor plans with a clearly articulated colour scheme to convey the proposal with a legend attached. (4) Details of any intended modifications to previous permissions. (5) There has been incremental expansion of the proposed development. The applicant requested to submit a total of the no. of beds approved to date and the additional number proposed as part of the proposal. (6) The quantum of existing open space for the use of residents and the intended increase as part of this application. (7) Clarification of legal title to carry out the works proposed. In addition whether any works have been carried out to the site boundary. Dublin City Council Granted Retention Permission and Planning Permission subject to 12 number conditions. Conditions of note are summarised as follows:

3. The proposed external finishes to the new block and any changes to the elevation to Beneavin Road shall match the existing building in terms of colour and materials.

10. a. The proposal shall comply with all relevant roads condition relating to Reg. Ref.2060/12 and Reg. Ref.3602/14.

11. The terms and conditions of the permission for the original development, which was issued under Reg. Ref. 2060/12 & 3602/14 shall be fully complied with, except where modified by this permission.

5.0 GROUNDS OF APPEAL

A third party appeal has been lodged by Peter Loughlin and Stella Treacy. The grounds of appeal are summarised as follows:

- Overdevelopment of a restricted site; plot ratio of 1.49, a building height of 3 storeys and a basement area of 1,654 sq. m
- Established residential area of 1 and 2 storey low density suburban housing
- Plans submitted fail to identify the amenity space serving the entire building.
- Failure to preserve wayleave to Dublin City Council foul sewer.
- Reduced car parking provision sought under the subject application from that approved under Reg. ref. 3602/14
- Updated car parking report required.
- Concern with regard to hours of operation of the new vehicle entrance and enforcement of condition 4(c) of Reg. ref. 3602/14 which requires that the 'proposed new vehicular entrance shall be closed nightly from 9pm' in order to protect the amenity of neighbouring houses.
- The application proposes a three storey development within 14.4m of the single storey neighbouring house to the east.
- Concern raised with respect to negative impact to residential amenity of adjoining dwelling to the east; massing, overshadowing etc.
- In the absence of massing models, 3d imagery or shadow analysis real impact of the development cannot be assessed.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

Response states that the p.a. considers that the proposed development as amended by condition would be in accordance with the proper planning and sustainable development of the area and request the Board uphold the decision to grant planning permission.

6.2 First party response

A response was received from Property, Resource Planning Management and development on behalf of the First Party. It is summarised as follows:

Over development

- The plot ratio of 1.49 falls just below the mean of the 0.5 – 2.5 indicative plot ratio set out in the Development Plan for lands zoned Z15.
- The proposal has a site coverage of 40% which easily respects the standard of 50% set out in the City development plan for lands zoned Z15.
- The proposal is in accordance with the Z15 zoning of the site and respects planning precedent on the site.
- The basement floor area will not in itself generate more activity on the site
- Current car parking layout whilst in part providing for the proposed development net 6 no. palliative care suites and ancillary GP and activity rooms, will deliver greater levels of open space for facility users, greater perceived set back and reduced site activity adjacent to the appellant's property.

Amenity Space

- The planning application was accompanied with a tree survey and care plan to be implemented during construction prepared by a qualified Arborist and a landscaping plan prepared by a Chartered Landscape Architect
- Two distinct courtyards of open space are proposed for Beneavin Lodge
- Net amenity area increase of 2,527 sq. m as opposed to 1,775 sq. m already permitted under Reg. ref. 3602/14

- The proposal respects the transitional land use zoning nature of the appeal site. Being zoned Z15 'Institutional and Community' adjoining lands zoned residential, Z1' to the east of the appeal site.
- Provision of further unsecured courtyard to the southern elevation associated with hard landscaping to encourage circulation of residents, patients, staff and visitors around the margin of the building and not the site aims to be respectful of the existence of established neighbouring residential dwellings rather than dismissive of them.

Way leave to foul sewer

- Drawing no. 61/330A shows the layout, incl. invert, gradient and pipe diameter details of the proposed foul sewer redirection.
- The foul sewer is fully within the site's boundaries and accessible.
- There is no standards wayleave width required by DCC
- The Drainage Division of DCC have no objection to the proposed development subject to conditions.
- The applicant / developer is willing to comply with the conditions of permission in relation to foul and surface water sewers.

Reduced car parking provision

- Dublin City Council Transportation Planning Division have no objection to the proposed development following a detailed assessment of the proposal against Development Plan standards
- 96 car parking spaces are proposed with 22 new cycle parking spaces. The car parking provision on site is adequate.

Hours of Operation of New Entrance

- The gate on the eastern entrance approved under Reg. Ref. 4602/12 will be closed nightly from 9pm and reopened at 8am which is not at odds with standard nursing care facility management focused on safety of residents.
- Occasional opening of the gate may be required but such incidences will be seldom
- This is not a critical care facility with emergency vehicles requiring ready access but for dementia and palliative care

Contextual Information

- The eastern elevation and proximity to the appellants property is the same in footprint, scale and appearance as that already granted under Reg. ref. 4602/14
- No material overlooking or overshadowing will arise.
- The proposed development is set further into the appeal site away from the appellants dwelling and private open space. There are no openings orientated towards the appellant's property with the exception of a stairwell.

6.3 Observations on grounds of appeal

None

7.0 POLICY CONTEXT

The appeal site is zoned 'Z15', 'Institutional and Community' with the land use zoning objective '*To protect and provide for institutional and community uses and to ensure that existing amenities are protected*' in the adopted statutory Dublin City Development Plan 2011 – 2017.

The following sections of the Development Plan are of relevance to the appeal case. Excerpts are attached as appendix to this report.

Section 12.4.3

Section 15.9

Section 17.9

Section 17.20

8.0 ASSESSMENT

In my judgement the principle factors for consideration in this appeal relates solely to:

- **Over Development**
- **Adequate Amenity Space**
- **Wayleave to Foul Sewer**
- **Access & Car Parking Provision**
- **Impact Upon Residential Amenity**
- **Appropriate Assessment**

Over Development

It is submitted that the site holds two distinct, but semi-detached interlinked buildings, Beneavin House to the west and Beneavin Lodge to the east. Both combine a nursing care facility offering sessional, respite and residential care.

The proposed development reorders 33 no. dementia bed spaces already permitted, to the south east of Beneavin Lodge, under Reg. Ref. 3602/14 and Reg. Ref. 2060/12. It adds a 6 no. bed space palliative care unit with a new reception area in a 3 storey over basement block. The floor area of the extension is stated as 765 sq. m excluding the basement car park (total GFA proposed is stated as 921.04 sq. m).

The basement car park (incorporating 37 car parking spaces and 22 no. bicycle parking spaces) allows for the removal of 39 surface car parking spaces. It is also proposed to demolish a single storey day room and reception area of 288.67 sq. m. The proposed extension occupies part of the area previously permitted as surface car parking and the additional space arising from the demolition of existing structures is to create a landscaped courtyard space of c. 240 sq. m

The revised plans submitted by way of additional information illustrate the area proposed to be demolished as part of the current application. From information on file it is noted that 303 beds have already been approved and 6 additional palliative care suits are proposed. Therefore a grant of planning permission for the subject proposed development would give rise to a total of 309 beds within the appeal site.

The plot ratio proposed is indicated as 1.49 which is within the indicative plot ratio of 0.5 – 2.5 for areas zoned Z15 and that the proposed development has a stated site coverage of 40 % which respects the 50% maximum indicative site coverage standard for lands zoned Z15.

The appeal site is zoned 'Z15', 'Institutional and Community' with the land use zoning objective '*To protect and provide for institutional and community uses and to ensure that existing amenities are protected*'. The proposed development is therefore considered acceptable in principle in this land use zone. Cognisance is had to the transitional zone character of the site with the lands to the east zoned 'Z1', '*To protect provide and improve residential amenities*'. However, regard being had to the zoning of the appeal site, established use on the site and the standards set out in the City Development Plan 2011 – 2017, it is considered that the scale of the proposal is a reasonable intensification of the existing use and would be acceptable in principle.

Adequate Amenity Space

By way of additional information the applicant was required to state the quantum of open space for the use of the residents and the increase that would result from the subject application. From information on file, in particular Drg. No. AM01 and Drg. AM02 are noted, it is evident that the site would have an area of open space of 2,527 sq. m, this includes an increase of 752 sq. m resulting from the appeal application.

The proposed development, if permitted, would facilitate the creation of a new landscaped courtyard and a landscaped amenity area adjacent to the reception area. I agree with the planning authority that the increase in open space provision on the site is welcomed.

The removal of surface car parking on site and an increase in the landscaped amenity area, located to the south eastern portion of the site, improves the level of amenity for occupants and visitors of the nursing home. It also in my opinion softens the impact of the development on property to the east, thereby having regard to the

transitional zone character of this boundary. Impact upon residential amenity is discussed in greater detail below.

Wayleave to Foul Sewer

Concerns have been raised by the third party that the proposal fails to preserve a wayleave to Dublin City Council foul sewer.

The first party response highlights that Drawing no. 61/330A shows the layout, incl. invert, gradient and pipe diameter details of the proposed foul sewer redirection. It is submitted that the foul sewer is fully within the site's boundaries and accessible.

It is a requirement of Dublin City Council Drainage Division that a clear distance of 3 m is maintained between sewers and all structures on site. It is stated in their report that the exact location of this pipeline must be accurately determined onsite prior to construction works commencing.

I note that Drawing no. 61/330A indicates a 3m clear *'public sewer protected strip'* on either side of the indicated public sewer line running through the site.

I note that the Drainage Division of DCC have no objection to the proposed development subject to conditions. The first party has indicated that they are willing to comply with the conditions of permission in relation to foul and surface water sewers. Therefore I see no impediment to a grant of planning permission on this issue.

Access & Car Parking Provision

Third party concern is expressed that the proposal would give rise to reduced car parking provision from that approved under Reg. Ref. 3602/14. 39 car parking spaces approved and 37 are now proposed at basement level.

The planning authority report sets out that the existing car parking provision at the facility is 101 spaces which comprises both surface and underground car parking. The existing underground car park comprises 59 spaces and is designated primarily for staff usage whilst the surface car park is generally designated for visitor usage.

While it is clear from the drawings submitted the number and layout of basement car parking, no clear proposed surface car parking layout has been submitted. From my calculations the appeal proposal will result in 96 car parking spaces being provided at basement level (given that a total of 37 additional car parking spaces are proposed, including 3 disabled spaces), 16 surface car parking spaces exist to the western part of the site, therefore overall, this would give rise to a total of some 112 number spaces to serve the existing and proposed development. I note that 22 no. new cycle parking spaces are also proposed at basement level.

Access to the proposed new basement is by way of a ramp parallel to the playing field boundary from the newly created access road off Beneavin Road, approved under Reg. Ref. 3602/14. An ambulance and visitor drop off facility is also proposed along the access road.

As per Map J Public Transport and Parking Areas contained in the City Development Plan the appeal site is located within Zone 3 parking standards. I note that Nursing Home has a requirement for 1 car space per 2 patient beds in Zone 3. This would give rise to a requirement for some 155 car parking spaces for bed spaces alone and has no regard to number of medical staff, administration staff and visitors. Cognisance is had to on street car parking in the area, size and scale of the facility and that it is served by way of public transport.

Dublin City Council Transportation Planning Division have no objection to the proposed development.

All things considered it is my opinion in agreement with the opinion of the planning authority that adequate car parking is proposed for the existing and proposed use. However, given the apparent shortfall in car parking spaces, I would have some concern with respect to further intensification of use of the appeal site in the absence of a traffic and car parking impact assessment.

Note: The application is also seeking permission for Retention of a new pedestrian access off Beneavin. No concerns have been raised by the appellant with respect to this access. I consider that the access is acceptable.

Impacts Upon Residential Amenity

The appellants have raised concern with regard to hours of operation of the new vehicle entrance and enforcement of condition 4(c) of Reg. Ref. 3602/14 which requires that the *'proposed new vehicular entrance shall be closed nightly from 9pm' in order to protect the amenity of neighbouring houses*.

I note the first party's response that the gate on the eastern entrance approved under Reg. Ref. 3602/14 will be closed nightly from 9pm and reopened at 8am and that this is good safety practice generally for a nursing care facility. It is submitted that the occasional opening of the gate may be required but such incidences will be seldom. Regard being had to the foregoing I highlight that enforcement of planning conditions is a matter for the planning authority and that the access should not be used outside of the hours permitted, regardless of the frequency. However given that the facility is not a critical care facility, with emergency vehicles requiring ready access, but rather a dementia and palliative care facility, it is my opinion that reasonable intensification of existing use as proposed would be acceptable and would not, subject to condition, and adherence to same, significantly reduce the level of amenity currently enjoyed by adjoining residents.

I tend to agree with the first party submission that the net additional development proposed, in particular the provision of a basement car park in lieu of surface car parking, would aid to protect and improve the level of amenity of residents to the east of the appeal site.

From my assessment of the plans and drawings submitted I am of the opinion that the scale, mass and design of proposed development is acceptable in the context of the existing and permitted development under Reg. Ref. 3602/14 & Reg. Ref. 2060/12.

The new 3 storey block comprising the 6 no. palliative care units with reception and ancillary accommodation is located to the south of the permitted Beneavin Lodge extension, currently under construction. Regard is had to the location of the appellant's property no. 42 Beneavin Road located to the east of the main eastern vehicular entrance. However, it is my opinion that obscure glazing proposed to upper floor windows and to the permitted high level windows facing east, that the proposed development would not give rise to an unacceptable level of overlooking.

Also given that the proposed development is set off the eastern party boundary by 14.4 m and the orientation of dwellings and rear gardens of No. 42 Beneavin Road and dwellings along Ferndale Road I am of the opinion that no material overshadowing would arise.

Overall, regard being had that the use is acceptable in principle, in this established 'Institutional and Community' zoned location, the modest scale proposed and the proposal for basement car parking in lieu of surface car parking and improved and increased landscaped areas, it is my opinion that concerns raised can be satisfactorily ameliorated by way of condition.

Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and consideration under and subject to the conditions set out below.

10.0 REASONS AND CONSIDERATIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 9th November 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The terms and conditions of the permission for the original development, which was granted planning permission on foot of Reg. Ref. 2060/12 & Reg. Ref 3602/14 shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

3. The external finishes of the proposed development, including roof tiles, shall be the same as those of the existing building in respect of colour and texture.

Reason: In the interests of the visual and residential amenities of the area.

4. The windows at first and second level on the eastern elevation of the proposed development, including stairwells, shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. The following requirements of the Roads and Traffic Planning Division shall be complied with:

a. The proposal shall comply with all relevant roads condition relating to Reg. Ref.2060/12 and Reg. Ref.3602/14.

b. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

c. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: to ensure an adequate standard of development.

7. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of amenity, ecology and sustainable development

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

11. The developer shall pay to the planning authority a financial contribution 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. The contribution shall be paid prior to the 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Fiona Fair
Planning Inspector
Date 05.04.2016