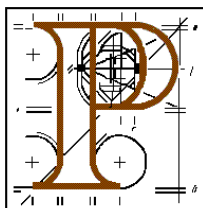


An Bord Pleanála



Inspector's Report

Development:

Change of use from residential to café/restaurant including a single storey rear extension and a consultation room and resource facilities at first floor level (protected structure) at 20 Monkstown Crescent, Monkstown, Co. Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.: D15A/0190
Applicant: David Quinn & Martina Boylan
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Type of Appeal: Third Party
Appellant: (1) Mary Fitzgerald & Robert Towers
(2) Monkstown Crescent Garages Ltd.
Observers: None
Date of Site Inspection: 18th May 2016

Senior Inspector: Fiona Tynan

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1.0 SITE DESCRIPTION AND LOCATION

- 1.1 The appeal site is located in Monkstown Village. The properties on either side of the subject site are in commercial use. To the west is Carnegies Funeral Home whilst to the east is Coyne's Garage (a car repair workshop). The subject site is presently in residential use and a 2m high rendered wall and wooden gate abut the footpath. Behind this lies an open yard with sufficient room for a car parking space. The two storey dwelling is currently inhabited. To the rear of the property is a garden which abuts the rear of no. 20 Longford Terrace. The appeal dwelling constitutes the mews dwelling of no. 20 Longford Terrace, a three storey over basement terraced dwelling which overlooks the sea at Monkstown/Seapoint.
- 1.2 Monkstown Crescent presents an array of commercial mixed uses which includes coffee shops, clothes shops, restaurants, funeral home, car repair garage, car sales showroom, public house, newsagent, home décor and a crèche. The street appeared busy on a Wednesday morning and the units thereon likewise.
- 1.3 Attached to this report are photographs taken on the day of the site visit.

2.0 PROPOSAL

- 2.1 The proposal is for the conversion from residential use of a two storey mews to a ground floor café and consultancy rooms/resource facility at first floor. The stated floor area of the café is whilst the proposal sets out that the consultancy resource centre will use the remaining...The proposal includes a new extension to be provided to the front and rear elevation at ground floor level of 47sq.m. To the front elevation of the property it is proposed to provide for external seating area with a retractable canopy but with a glazed window and door to the masonry wall of the boundary to the public footpath. The existing double wooden gates to the front boundary are to be replaced with new iron gates behind which additional external seating is to be provided. The existing front elevation of the property is to be retained and the ground floor will accommodate a cold display cabinet, coffee machine and a till together with additional seating. The rear ground floor extension will accommodate the kitchen, toilets, store and a new garden area. At first floor level the footprint is to remain unchanged and will accommodate an office, consultation room, resource room and bathroom. Elevational details submitted indicate that the café is to be called "The Fabulous Café". Notations on the drawings indicate that the existing aluminium windows are to be replaced with timber windows.
- 2.2 The supporting documentation sets out that it is intended that the unit will ff who have been operate as an Autism Centre. The café will provide supported employment in addition to provide a training facility for students and their families. The Centre will employ staff who have been trained to work with people with autism spectrum disorders. The Applicant, Ms. Martina Boylan, is stated to be co-founder of The Red Door and has been Director of Education where specialised education is delivered on the principles of the science of Applied Behaviour Analyses.
- 2.3 During the course of the application with the Planning Authority, further information was sought. This is hereafter summarised:
- (1) Submit a Method Statement

- (2) Submit details of the proposed replacement timber windows
 - (3) Submit details of the existing roof structure
 - (4) Submit a revised design of the street elevation
 - (5) Submit details of the number of proposed staff to be employed.
 - (6) Submit details of the retention/alteration of the 3 ground floor window/door opes on the proposed floor plans
 - (7) Submit a Construction Management Plan
- 2.4 A response to a request for further information was submitted on the 07/12/15. This incorporated the following:
- (1) Method Statement submitted
 - (2) Details of proposed replacement timber windows
 - (3) Survey drawings of the existing roof structure provided
 - (4) Revised street elevation provided.
 - (5) Employment of 4-5 people working at any one time. 1 person employed in the consulting rooms and 3-4 persons employed in the restaurant/café.
 - (6) Details of the retention/alteration of the 3 ground floor rear windows/door opes
 - (7) Construction Management
- 2.5 The revised drawing of the front elevation indicate that the front elevation is to comprise of a low wall with galvanised steel above together with retention of a 2m high pillar upon which it is intended to insert a place name and menu below.

3.0 PLANNING CONTEXT

3.1 Departmental Reports:

- 3.1.1 Architectural Division: The Dept. cited the view that the relationship of the news on Monkstown Crescent with the properties on Longford Terrace has long been severed both physically and in terms of use. The subject site is located within Monkstown Architectural Conservation Area. Given its location within an ACA the application is considered to lack supporting documentation. Further information is recommended on four items:
- Method Statement
 - Submit details of proposed replacement timber windows
 - Survey drawings of the existing roof structure including type of covering in terms of provenance, size, colour, texture and thickness
 - In terms of the street elevation (sketch D) the applicant is requested to submit a revised design which respects and enhances the character of Monkstown ACA.
- 3.1.2 Transportation Planning: Recommends refusal on the grounds of the existing off-street parking, the proposed development by itself or by the precedent would affect the use of the road by traffic. Also cites the lack of provision of off-street parking for the proposed development may lead to inappropriate illegal parking and create traffic congestion in the area and thus affect local amenities.
- 3.1.3 Irish Water: No objections subject to conditions.

- 3.1.4 Planning Officer: The Planning Officer notes the Planning Authority's previous decision relating to a grant of planning permission at No. 13A Monkstown Crescent for extensions to an existing crèche under D13A/0087. The Planning Authority notes the recommendation by the Transportation Dept. and states that the lack of off-street parking provision is acceptable having regard to ABP's previous decision for a much larger development on the subject site under D09A.0291 in which no off-street car parking and noting the existing public transport provision. The Officer also cites that of PL06D.234290 where the Board overturned the Council's decision and granted planning permission involving the change of use of existing 2 storey crèche to ground floor retail and 1st floor office use.
- 3.1.5 The Planning Officer notes the location of the site as being within the curtilage of No. 20 Longford Terrace, a Protected Structure but considers it to be severed from the structure both physically and in use terms. The appeal site is located within Monkstown ACA and within the boundary of the proposed Dun Laoghaire LAP. Further information was issued on 14/05/15 in relation to the details sought by the Architectural Division and in addition the following items:
- Revised design to be submitted which respects and enhances the character of the Monkstown ACA and to include any relevant shopfront style materials, fittings and lighting details.
 - No. of staff to be employed.
 - Submit a Construction Management Plan to indicate measures to avoid, reduce or mitigate nuisance due to noise, dust or building material being carried onto or placed on the public road or adjoining property.
- 3.1.6 Architectural Division: The further information submitted is considered to be generally acceptable subject to conditions relating to the refurbishment of No. 20 Monkstown Crescent. The Conservation Officer notes that the window opes of the dwelling may have been altered in which case hardwood casement windows would be accepted. However, clarification is sought in relation to which opes are original and therefore should be fitted with a window based on historically accurate detailing. Insufficient detail was provided on the roof structure. Accordingly it is recommended by the Conservation Officer that a programme for the repair of the roof are submitted for approval to be in accordance with the DOEHLG Advice Series "Roofs-A Guide to the repairs of Historic Roofs". Comments are also made on the street elevation details and it is stated that the treatment of the double height carriage arch is visually discordant with the period structure. Therefore, it is recommended that prior to commencement of development the applicant shall submit for written agreement a revised design, including materials, for the carriage arch feature to the front elevation.
- 3.1.7 Transportation Planning: States no objections relating to conditions regarding footpath dishing, SuDS and a construction management plan.

3.1.8 **Planner's Report:** The Planning Officer notes the revised reports provided by the Conservation Officer and Transportation Planning. In relation to the revised street elevation drawing, it is argued that with regard to the mix of boundary wall treatments to restaurants along the length of Monkstown Crescent, that the proposed change is visually acceptable on the streetscape, subject to conditions. In conclusion, it is stated that the proposal subject to conditions, would not seriously injure or detract from the Neighbourhood Centre zoning, the Monkstown Architectural Conservation Area or adjacent Protected Structure Amenities of the area or of property in the vicinity.

3.2 Decision of Planning Authority

On the 12th of January 2016, Dún Laoghaire-Rathdown County Council granted permission for the proposed change of use from residential to café/restaurant at ground floor and consultation room on first floor subject to 14 conditions. Of note are the following conditions summarised:

No. 2: Revised details of the strategy for the refurbishment to No. 20 Monkstown Crescent, including window details, programme of works for the repair of the roof, and details regarding opening up of the existing house. This condition also requires that the front (south) wall top railings and adjoining railing pedestrian gate to be omitted and the proposed stub (0.45m high) front boundary wall increased to 1m height (with a render or exposed stone finish).

No. 3: No sale of hot food for consumption off the premises.

No. 4: Café/restaurant shall not serve food after 10pm

No. 6: Courtyard to be constructed in accordance with SuDS.

3.3 Planning History

3.3.1 Subject site:

Reg. Ref. D16A/0208: Refers to a current application with Dun Laoghaire-Rathdown County Council at the subject site for a change of use from residential at ground and first floor to cafe/restaurant at ground level and resource facilities, including consultation rooms, for persons with autism at first floor level, demolition of existing outbuilding to front and boundary wall to rear, part demolition of front boundary wall, construction and relocation of new boundary wall to rear, construction of single storey extension of 64.28 sq.m. to rear, with roof lights to contain kitchen, toilets, ancillary office and stores, servery of 4.4 sq.m. in courtyard to front, new separate entrance and staircase to front accessing consultation rooms at first floor level. Alterations to existing mews building of 97.95 sq.m. to include retention of arched windows at ground level to rear, re-instatement of h/w sash windows at first floor level and brick archway to front and installation of new external doors at ground level, signage as indicated and all associated site works. Within the curtilage of a protected structure. This application was submitted on 29th March to the Planning Authority and therefore a decision is due imminently.

There are a number of appeals relating to developments on Monkstown Crescent. These are referred to as follows:

A.B.P. Ref. PL06D.241026/P.A. Ref. D12A/0232: Refers to No. 23 the Crescent, where Mr. James Connolly sought permission for a change of use from retail with ancillary acre to café/restaurant with ancillary retail and associated amendment to the internal layout of the premises. The Council's decision to grant permission was upheld by the Board. In their decision to grant permission, the Board cited that *"having regard to the zoning objective for the site as a neighbour centre location, the existing development on site, which includes mechanical ventilation and to the pattern of development in the area, the proposed development would not seriously injure the amenities of the area, would not detract from the retail vitality or viability of the village centre and would be acceptable in terms of traffic safety and convenience."*

A.B.P. Ref. PL06D.230271 / P.A. Ref. D08A/0365: Refers to a proposal at no. 23 The Crescent, Monkstown for a change of use to existing retail unit to retail unit use to include ancillary café and off-licence. The Council's decision to grant permission was upheld with revised conditions.

A.B.P. Ref. PL06D.233343/ P.A. Ref. D08A/0996: Refers to an extension to side and rear of retail building at 18A Monkstown Crescent. The Council's decision to grant permission was upheld by the Board.

3.4 Planning Policy

3.4.1 The operative Development Plan is the Dún Laoghaire-Rathdown County Development Plan 2016-2022. This was adopted in March 2016 and therefore was adopted after the Planning Authority's consideration of the application. Nonetheless, the zoning of the site remains unchanged as Objective "NC"-*"to protect, provide for and/or improve mixed-use neighbourhood centre facilities"*. The subject site is also located within an Architectural Conservation Area. Specific Local Objective 106 states a proposal *"to improve the streetscape/public realm of Monkstown Village"*. Section 8.2.11.3 of the Plan considers Architectural Conservation Areas, designated so as *"to protect the special external expression of the buildings and the unique qualities of the area to ensure future development is carried out in a manner sympathetic to its distinctive character"*. The site is within the curtilage of the Protected Structure of No. 20 Longford Terrace.

4.0 GROUNDS OF THIRD PARTY APPEAL

4.1 A third party appeal has been lodged by Monkstown Crescent Garages Ltd and Mary Fitzgerald and Robert Towers against the Planning Authority's decision to grant permission for the proposed development.

4.2 Monkstown Crescent Garages sought to object to the following in their appeal submission:

- The development is not in a suitable location for a school, especially one which will be for children with Autism, by the very nature of the business operated by Monkstown Garages, a lot of noise can be

generated by the repair of motor cars. The operator is unable to do anything to reduce the noise associated with this business.

- The entrance to the said site is situated beside the entrance to the garage and would be hazardous for anyone using the café/restaurant or school. While the operators of the garage exercise caution at all times, the proposed development if permitted would give rise to an unacceptable burden of responsibility on the operator and his staff when driving cars into and out of the garage. This could happen several times an hour.
- The proposed redevelopment would create a hazard during construction to the business, staff and customers and could potentially damage his premises. The shared gable wall and roof were constructed in 1905 and from minor alterations already carried out, it has established the fragility of the structure.
- There are already 14 restaurants on Monkstown Crescent which cause great difficulty for the operator of this business and adjacent residents.

4.3 The objections by Mary Fitzgerald and Robert Towers seeks the highlight the following:

- This area up to 2011 was predominantly residential. Since then it has been the subject of a veritable explosion of commercial development which has resulted in an exponential increase in retail-related parking for which absolutely no provision has been made by the Council.
- Within 200m of their home there are now 23 commercial enterprises, 14 restaurants and pubs. This proposal would represent the 15th restaurant on The Crescent.
- Their house does not have rear parking and due to its status as a protected structure is unable to get permission for parking to the front. Since 2011 they are finding it increasingly difficult to get parking on the road outside their home.
- The Council has disregarded their need for parking and the Appellants seek to highlight section 2.3 of the Development Plan which states the Council's obligation to "*continue to regenerate urban villages by ensuring that any new development respects the existing built-form and residential amenity of the area*".

5.0 PLANNING AUTHORITY'S SUBMISSION

5.1 The Planning Authority made a submission to state that they consider the proposed change of use development to be acceptable, having regard to the "NC-Neighbourhood" zoning of the site, the close proximity to the centre of Monkstown Village, the nature of the proposed use and similar such uses and other businesses in the immediate vicinity and, the availability of public transport. The Board is referred to the Planning Officer's Report.

6.0 FIRST PARTY RESPONSE

6.1 The submission made by Diamond Architects on behalf of the Applicants, Martina Boylan and David Quinn, seeks to highlight the following:

- It is factually untrue to refer to this development as a school, as has been done by Mr. Coyle.
- Contrary to his assertion regarding the needs of people with autism requiring “peace and quiet”, young people with autism need to have an opportunity to have gainful employment and socialisation within the local community.
- The contention that the entrance to the car repair garage presents a hazard is disputed in the context of the presence of other cafes on Monkstown Crescent.
- Concerns regarding the impact of construction on Coyle’s Garage is duly noted. A Design Safety Plan by Martin Lawless (Project Safety Engineering) and a Conservation Method Statement by the Architect were submitted to the Planning Authority as further information. These documents detail the process of construction to be employed during the works which will ensure that no hazard will arise to third parties and that all works are carried out in compliance with all relevant Health and Safety regulations. It should also be noted that the proposed development does not involve any reconstruction of adjoining walls between the two properties.
- The development is well suited to the location due to the excellent public transport options that are available in the immediate locality.

A number of letters of support for the proposal have been appended to the submission, and include submissions from neighbours on Longford Terrace and from the Salthill and Seapoint Residents Association.

7.0 ASSESSMENT

7.1 I have read all documentation on file. I have reviewed all plans and particulars and have read the appellants’ grounds of appeal. I have read the relevant provisions of the statutory development plan for the area and I have carried out a site inspection. In my opinion, the main issues to be addressed in this appeal are as indicated hereunder.

- Principle of Development
- Impact on Adjacent Uses
- Parking
- Design
- Protected Structure Status

7.2 The appeal site is located in a “Neighbourhood Centre” zone in accordance with the Dun Laoghaire Rathdown Development Plan. The proposed change of use from a residential property to a café/restaurant with consultant rooms above would accord with the zoning objective for Monkstown Crescent. As previously cited, there is a mix of commercial units on both sides of the appeal site, in fact its residential use appears to the last on the crescent. Reference has been made to the abundance of cafes already present on the Crescent. I would agree

that a successful village or town is one that offers a diverse range of services, thereby encouraging activity at different times of day. However, from the site visit undertaken it is evident that a range of services are on offer in Monkstown Village. Therefore, I do not believe the proposal for an additional café/restaurant would detract from the uses on offer such that it would become a single use destination. Moreover, there is no policy in the Plan prohibiting or limiting this use in Monkstown. The proposed development is acceptable in principle under the Neighbourhood Centre zoning objective. The provision of restaurant/café uses within village centres is therefore left to market forces unless it can be demonstrated that there is an adverse impact on vitality and viability.

- 7.3 The 3rd Party appeal from Coyle's Garage, which is the adjacent unit, is primarily concerned that the development if it proceeds would impact negatively and restrict their operations on site i.e. car repairs. Coyle's Garage extends right up to the footpath and therefore the movement of cars into and out of the unit is presumably carefully managed by the operators. However, given the presence of cafes/restaurant and other commercial units already on the Crescent, I do not consider that the change of use of the appeal site would exacerbate this situation. The appeal submission by Coyle's Garages refers to the development of a "school" which has not been proposed by the Applicant, rather it is a café/restaurant in which the employees will be persons who have Autism. It is further proposed that a complementary resource room and consultant's office will be provided at first floor. The scale of the development is not comparable to a school which is mistakenly envisaged by the Appellant. I note that letters of support refer to the Appellant's submission in detail and request the Board to make comment on the operation of Coyle's Garage and its impact on the adjoining uses. However, this is outside of the remit of the Board.
- 7.4 The impact of the proposed development upon parking locally is a matter of concern for the Ms. Fitzgerald and Mr. Towers, who reside opposite the appeal site. On-street parking is controlled locally by means of pay and display. I note the presence of bus stops on the Crescent and the proximity of the Salthill/Monkstown Dart Station, a short stroll from the appeal site. In the context of the zoning objective for the site, its proximity to public transport and the likelihood that its patrons will be local residents, I consider that the proposed development will be adequately served by the existing on-street parking.
- 7.5 The proposal as submitted to the Planning Authority was amended in design at further information stage. Having considered both sets of drawings, I would concur with the Planning Officer in finding that the proposal submitted at further information is similar to and complementary with the existing streetscape on Monkstown Crescent and should be conditioned accordingly. The design incorporates a contemporary galvanised double steel gates, a small section of the 2m high wall retained on which the café name will be displayed together with a menu and then a low 450mm wall upon which the same railing

will be erected on the top and a pedestrian gate inserted. I note that the said drawing fails to indicate the roof structure to the outside dining area, which on the original drawing was illustrated as for internal dining. This should be sought by condition. Regarding the same, the applicant should be required to provide an eastern elevation of the outside dining area, which is not clear. Furthermore, the condition inserted by the Planning Authority regarding the height of the wall to be incorporated into the front elevation is reasonable i.e. increased to 1m in height with a render or exposed stone finish that is in evidence on the streetscape already. I consider it reasonable that this minor detail in the design be addressed by condition, notwithstanding the location of the site within an Architectural Conservation Area. The condition should be worded to ensure that the revised drawings are agreed with the Planning Authority prior to commencement of development on site.

- 7.6 The existing residential unit is situated within the curtilage of a protected structure i.e. no. 20 Longford Terrace. As previously stated, the structure is the former mews of No. 20 Longford Terrace. However, it is no longer physically connected to the property and is orientated towards and bears more of a relationship with its adjacent units on Monkstown Crescent. Nonetheless, I concur with the Conservation Officer of the Planning Authority in seeking method statements regarding the proposed works and further details regarding the windows to be provided. I consider that this can be satisfactorily addressed by condition.

8.0 CONCLUSION

- 8.1 In conclusion, it is considered that the location of the site within a local commercial centre of shops, accords with the zoning objective for the area as a neighbourhood centre as applied by the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Notwithstanding local concerns regarding the proposed use of the unit as a café/restaurant and its impacts for daily operations of the adjacent garage and implications for parking in the area, I have had regard to the presence of nearby coffee shops and the presence of pay and display on-street parking the availability of bus and dart transport within close proximity to the appeal site, and consider that there is sufficient capacity to accommodate the development. I do not consider that the proposal would give rise to any adverse impact over and above other uses already present on Monkstown Crescent.

9.0 RECOMMENDATION

- 9.1 I have read the submissions on file, visited the site and paid due regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. I recommend that planning permission be **Granted** for the development based on the reasons and considerations hereunder

REASONS AND CONSIDERATIONS

Having regard to the zoning objective for the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of the area, would not have a significant negative impact on the operations of the adjacent Coyle's Garage and is acceptable in terms of traffic safety and convenience. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 7th day of December, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. [In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.]
Reason: In the interest of clarity.
2. Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised details and drawings showing the proposed development modified as follows:
 - (a) A detailed strategy for the refurbishment to No. 20 Monkstown Crescent for all external finishes (to include windows, roof and walls).
 - (b) Additional/alternative replacement window details, noting that where the size of the original opening has been altered, it may be acceptable to insert non-traditional windows, and noting that subject to further investigation and submitted details, original openings should be fitted with a more appropriate window based on historically accurate detailing.
 - (c) A programme of works for the repair of the roof to be in accordance with the DOEHLA Advice Series "Roofs- A Guide to the repairs of Historic Roofs" and samples of new slate if any.
 - (d) Additional/revised details to include opening up works that may reveal to what extent the front elevation carriage arch survives and any revised design, including materials for the carriage arch feature at the same or reduced height as appropriate.
 - (e) The proposed front wall top railings and adjoining railing pedestrian gate omitted and the proposed stub front boundary wall increased to 1m height with a render or exposed stone finish.
 - (f) To submit eastern and front elevation drawings of the proposed dining area to the front of the property.

3. The restaurant/café shall not serve food after 22.00 hours.
Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.
4. The ground floor of the premises shall be used as a sit-down restaurant/café exclusively and there shall be no sale of hot food for consumption off the premises.
Reason: To protect the amenity of the area.
5. Details of all external shop fronts and signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
Reason: To protect the visual amenities of the area.
6. The rear yard shall not be accessible to the public.
Reason: in the interest of residential amenity.
7. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.
Reason: In the interest of public health.
8. Prior to commencement of development, the developer shall submit and obtain the written agreement of the planning authority, to a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and in particular, recyclable materials, and for the ongoing operation of these facilities.
Reason: To provide for the appropriate management of waste, and in particular, recyclable materials, in interest of protecting the environment.
9. 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 Tynan
Senior Planning Inspector
19/05/16