



An  
Bord  
Pleanála

**Board Order**  
**PL 06S.248236**

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## **Planning and Development Acts 2000 to 2016**

**Planning Authority: South Dublin County**

**Planning Register Reference Number: SD16A/0456**

**Appeal** by HSIL Properties Limited of Unit 1, North Park, North Road, Exit 5 (M50), Dublin against the decision made on the 23<sup>rd</sup> day of February, 2017 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permitted storage warehouse building (previous planning register reference number SD15A/0254) located at M50 Business Park beside the M50 Ballymount Interchange, Ballymount, Dublin. The development will consist of (1) construction of a new extension to the eastern corner of a permitted storage warehouse building, together with associated external signage, staff and customer car parking, and site landscaping. The proposed extension would provide additional storage space at second floor level only (approximately 778 square metres), and ancillary office space at first floor level (approximately 50 square metres) and form an undercroft to the permitted access/entrance areas and (2) alterations to the permitted storage warehouse building comprising: (a) removal of external dock leveller located on north-west elevation, (b) amendments to the external elevations of the building comprising of a revised use of permitted colour scheme and revised door and window locations and (c) revisions to internal layout at ground floor level.

## **Decision**

**Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 4 and to REMOVE condition number 5.**

## **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.

## **Reasons and Considerations**

It is considered that the terms of the South Dublin County Council Development Contribution Scheme 2016–2020 were properly applied in respect of condition number 4, in that the contribution imposed in this condition was in accordance with the Scheme, and was based on the gross floor area of the proposed extension to the permitted warehouse building, and that there are no exemptions or reductions provided for in the Scheme by which the amount of this contribution would be reduced or waived. It is considered that condition number 5 related to the payment of a financial contribution under condition 16 of previous planning permission register reference number SD15A/0254, rather than to the development that was the subject of the current planning permission, and therefore that the inclusion of this condition was not appropriate.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of                                  2017**