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## Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A0221

**Appeal** by Randalswood Holdings of McGrath Group Properties, Ashlar House, Main Street, Maynooth, Naas, County Kildare against the decision made on the 9<sup>th</sup> day of August, 2018 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:** Change of use of an existing building from office to retail shop, with associated internal reconfigurations and ancillary office use and one LED backlit advertising totem pole to front of site and all associated ancillary site works at Westlink House, Old Lucan Road, Palmerstown, Dublin.

## 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 REMOVE condition number 11 and the reason therefor.

## **Reasons and Considerations**

The Board had regard to:

- (a) Section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of the South Dublin County Council Development Contribution Scheme 2016 – 2020,
- (c) section 48 of the Planning and Development Act 2000 (as amended),
- (d) the submissions on file, and the planning history of the site made available by South Dublin County Council.

The Board considered section 10 (xxvii) of the South Dublin County Council Development Contribution Scheme 2016 – 2020 whereby in respect of a permission for change of use, where development contributions were paid in respect of the former use the contribution payable on the new proposal will be net of the quantum of development previously paid for and where a contribution was not previously paid or the original development was carried out before 1963 it shall be treated in its entirety as new development and assessed accordingly and was not satisfied that the planning authority had adequately demonstrated that the financial contribution in respect of the parent permission, namely the existing commercial building on this site, had not been paid either partially or in full.

It is considered that it would be inappropriate to attach a section 48 Development Contribution in this instance.

## **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.

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**Maria FitzGerald**

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

**Dated this            day of            2018.**