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**Planning and Development Acts 2000 to 2020**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0348**

**Appeal** by Mark Fitzgerald care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin in relation to the application by South Dublin County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 7<sup>th</sup> day of July, 2020.

**Proposed Development:** Internal alterations to the existing office at first floor level and a change of use of the existing two number ground floor retail units at the rear of the property into a single licensed restaurant premises. The works involved comprise: external alterations to the rear elevation including new restaurant and office signage and shop frontage, replacement of all opes, three number proposed restaurant entrances one number at Old Bawn Road and two number at Courthouse Square; one number office entry (existing) at Courthouse Square; use of external paved area onto Courthouse Square as restaurant seating, bicycle parking facilities. Internal alterations include the removal of existing stairways; removal of existing retail unit dividing wall; removal of existing internal partitions to first floor offices; new internal partitions; construction of a new fire stair to first floor office; provision of restaurant customer and staff sanitary facilities and services at first floor level; provision of office sanitary facilities and services at first floor level. This

application follows a recently approved planning application for alterations to the Old Bawn Road elevation including a new shopfront and provision of a single office premises at ground floor level under planning register reference number SD19A/0013, all at Coric House, Old Bawn Road, Tallaght, 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 not been properly applied in respect of condition number 10 and directs the said Council to AMEND condition number 10 so that it shall be as follows for the reasons stated.**

10. The developer shall pay to the planning authority a financial contribution of €3,872.60 (three thousand, eight hundred and seventy two euro and sixty cent) 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, 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**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**

Having regard to the nature of the proposed and previously permitted uses of the floor area, and to the provisions of the South Dublin County Council Development Contribution Scheme 2016-2020, (as updated on the 01/01/2020), it is considered that the provisions of the scheme have not been properly applied, such that development contributions are payable on those floor areas proposed for change of use, where development contributions were not previously paid in respect of the former use. These floor areas are 42.5 square metres at both ground and first floor.

## **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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**John Connolly**

**Member of An Bord Pleanála**

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

**Dated this            day of            2021**