



An
Bord
Pleanála

Board Order ABP-315336-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: S22A/0316

Appeal by Better Value Unlimited Company care of Tom Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, 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 7 of its decision made on the 18th day of November, 2022.

Proposed Development: Extension, change of use and alterations to Kilnamanagh Shopping Centre. A two storey extension is proposed along the centre's eastern elevation (total gross floor area increase of 2,336 square metres); change of use of the first-floor retail area (last used by Dunnes Stores as textile sales space) which will be extended and subdivided to provide for two new non-retail, service units; Unit 1 will extend to circa 1,411 square metres for use as a health centre and Unit 2 will extend to 790 square metres for use as a gym; removal of condition 3 of planning authority reference: SD06A/0095 to allow for the increased net sales area to allow for the increase in net comparison sales space at ground floor level; new entrance ramp and steps at the north of the extension; the southern lobby entrance into Dunnes Stores will be demolished and replaced with a new glazed lobby entrance; new walkway canopy generally on the north and south elevations; new ramped access next to existing pedestrian entrance steps on Mayberry Road; reconfigure existing entrance to Treepark Road, including revised parking layout generally

around the east side of the building to allow for an adjusted, one-way system around the centre; car parkin, as a result of the extension will be reduced; four electric vehicle parking spaces; covered cycle parking; new enclosed service yard wall and gates to existing service area on the west side of the centre; new signage (including illumination) proposed to elevations, including two totem signs; recladding on elevations. Additional landscaping treatment generally around the east side of the centre arising from the amendments to the car park. Landscaping works and all drainage works, including SUDS measures and all other ancillary works to facilitate the development, all at Kilmanagh Shopping Centre, Treepark Road/Mayberry Road, Kilmanagh, 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 7 and directs the said Council to AMEND condition number 7 so that it shall be as follows for the reason stated.

7. The developer shall pay to the planning authority a financial contribution of €230,703.36 (two hundred and thirty thousand, seven hundred and three euros and thirty six cents) 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 submissions made on file, the nature of the proposed development, and the provisions of the South Dublin County Development Contribution Scheme 2021-2025, the Board considered that the terms of the Development Contribution Scheme had not been properly applied in respect of condition number 7 and directs the said Council to amend condition number 7 to reflect the requirement to pay €230,703.36 to the planning authority in respect of development contributions for the proposed development, broken down as follows:

- The two-storey extension equating to €230,703.36 based on €98.76 per square metre by 2,336 square metres of gross floor area (GFA).

The Board also concluded that the change of use at first floor level comprised of existing floorspace built under previous permissions (reference numbers S00A/0873 and 06A/0095) where development contributions had previously been paid and, therefore, the exemption under Section 11 (xxvi) Change of use of the South Dublin County Development Contribution Scheme 2021-2025 applied.



Stewart Logan

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

Dated this 19th day of March . 2024.