



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5079/22

Appeal by CDS (Superstores International) Limited care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 12th day of December, 2022.

Proposed Development: Planning permission for ancillary garden centre located to the south and west of the existing building and associated boundary fencing; new connecting door on south elevation of the unit connecting the garden centre to the existing, internal sales space and redesigned front entrance on the east elevation. Reconfiguration of parking area to the east of the store and the inclusion of electric vehicle charging points, cycle parking (including cargo bike spaces) and motorcycle parking. All associated works to complete the development, at The Range, 5 Clonshaugh Road, Coolock, 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 2 and directs the said Council to AMEND condition number 2 so that it shall be as follows for the reason stated.

The developer shall pay to the planning authority a financial contribution of €67,639 (€106.04 by 650) 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

The Board shared the view of its Inspector that a garden centre or external garden centre comprises industrial/commercial development for the purposes of requiring the payment of a contribution in respect of public infrastructure and facilities as per the Dublin City Development Contribution Scheme 2020-2023. The Board also had regard to the submission received from Dublin City Council which stated that, for the benefit of calculations, the floor area of the proposed garden centre area be reduced by the area of the rear yard (228 square metres), which is currently in use as storage (as stated in the application documentation for planning register reference number 3170/22), and shared the view that the development contribution should be based on 650 square metres (that is, 878 square metres less 228 square metres).

In disagreeing with its Inspector, the Board was satisfied that the area of this rear yard should not be included in the calculated gross floor area as it functions as an ancillary yard rather than as the primary garden centre.



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

Dated this *12TH* day of *March* 2024.