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Pleanála

## Inspector's Report ABP 302726-18

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<b>Development</b>	New internal 1 <sup>st</sup> floor extension consisting of additional office accommodation, alterations to elevations, car parking and associated site works.
<b>Location</b>	Unit 1C, Eastway Business Park, Crabb's Land, Ballysimon Road, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/608
<b>Applicant</b>	Conack Construction Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Appellant</b>	Conack Construction Ltd.
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. condition
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29/11/18
<b>Inspector</b>	Pauline Fitzpatrick

## **1.0 Site Location and Description**

The Eastway Business Park off the Ballysimon Road is to the south-east of Limerick city centre and comprises a mix of industrial and commercial units. Unit 1C to which this application refers has a stated floor area of 946 sq.m and was last used for warehousing.

## **2.0 Proposed Development**

The application was lodged with the planning authority on the 15/06/18 with further plans and particulars lodged 23/08/18 following a request for further information dated 08/08/18.

As amended the proposal entails alterations to an existing warehouse building comprising the provision of additional 1<sup>st</sup> floor space to provide for office accommodation and alterations to the elevations including modifications to the roof profile and insertion of window openings. The proposal also entails the provision of car parking. As per the plans accompanying the application the 1<sup>st</sup> floor would have a stated area of 225 sq.m. It is to be ancillary to the use of the main building for light manufacturing and storage.

24 additional parking spaces are proposed to the rear which, with the 10 existing to the front of the site, gives a total of 34.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 8 conditions.

Condition 2 requires section 48 financial contribution of €11,250.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The 1<sup>st</sup> Planner's report dated 01/08/18 (countersigned) recommends further information on the proposed use of the unit, signage details and adequacy of parking provision. The 2<sup>nd</sup> report following further information recommends a grant of permission subject to conditions.

### 3.2.2. Other Technical Reports

Fire and Building control has no objection in principle.

Operations and Maintenance Services details requirements for the parking spaces, public lighting and construction management and delivery plan.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

None

## 4.0 Planning History

I am not aware of any previous applications on the site.

## 5.0 Policy Context

### 5.1. Development Plan

The site is zoned for industrial uses in the current Castletroy LAP.

### 5.2. Natural Heritage Designations

None in the vicinity.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The 1<sup>st</sup> party appeal is against condition 2 which requires a financial contribution of €11,250 in accordance with the Development Contribution Scheme made under Section 48 of the Planning and Development Act, 2000, as amended.

It is contended that the contribution was levied based on additional floor area at 1<sup>st</sup> floor level of 225 sq.m. 132 sq.m. already exists as a mezzanine over the original ground floor offices. Therefore, the actual additional 1<sup>st</sup> floor area being constructed is 93 sq.m. This would give a contribution of €4650.

Plans showing the existing and proposed 1<sup>st</sup> floor space accompany the submission.

### **6.2. Planning Authority Response**

None

### **6.3. Observations**

None

## **7.0 Assessment**

The proposal entails alterations to an existing commercial premises including the provision of additional floor space at 1<sup>st</sup> floor level to be used as office accommodation. The existing office space at ground floor level is to be retained and reconfigured.

The current appeal is made under Section 48(10)(b) of the Planning and Development Act, 2000 as amended. Consequently, the question to be addressed is whether the terms of the development contribution scheme have been properly applied by the planning authority in its imposition of condition No. 2 only.

The Limerick City and County Council Development Contribution Scheme 2017-2021 pertains. As per Appendix A the applicable rate for office space in areas outside the City Centre and Regeneration Areas is €50 per 1 sq.m.

The applicant in its submission states that a mezzanine level originally existed over the existing ground floor offices and that the 225 sq.m. referred to as 'additional' floor space includes the existing 132 sq.m. Floor plans delineating the existing and proposed floor space accompany the appeal. Although works were nearing completion on day of inspection the footprint of the original mezzanine area could be differentiated from the new build.

Notwithstanding, no details are provided as to the previous use of the mezzanine level with no evidence provided that it was used as office space. Therefore, it is reasonable to conclude that the space was used for purposes ancillary to the original warehouse use and was not used as offices. In addition, no details are provided that a contribution has been paid previously.

On this basis I consider it reasonable to have regard to the development contribution scheme's provisions for change of use. The scheme states that where a proposed change of use does not lead to the need for new or upgraded infrastructure/services or a significant intensification of demand placed on existing infrastructure and where a contribution was paid previously for the existing use, the development shall be exempt from paying a contribution. In all other circumstances the change of use shall be charged at the rate appropriate to the new use, subject to a reduction in respect of the contribution rate already paid for the existing use. Change of use applications where the contributions have not been paid previously will be subject to contributions at the appropriate rate. The applicant's agent shall provide evidence of proof of payment at application stage in order to expedite assessment and avail of this provision.

I submit that the proposed development providing for 225 sq.m. of additional office floor space over that existing at ground floor level would give rise to a material increase in demand for infrastructure/services serving the existing building.

Thus, on the basis of the absence of evidence that the existing floor space was used as office space or that a financial contribution has been paid previously on same, I consider that there are no grounds for a reduction in the applicable rate and submit that the 225 sq.m. of additional office space should be subject to the relevant rate of €50 per sq.m.

*Appropriate Assessment*

Having regard to the nature and scale of the proposed development on a serviced site within Limerick City it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### *Environmental Impact Assessment*

Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **8.0 Recommendation**

Having regard to the foregoing I recommend that the planning authority be directed to ATTACH condition 2 for the following reasons and considerations.

### **9.0 Reasons and Considerations**

It is considered that the planning authority has properly applied the terms of the Limerick City and County Council Development Contribution Scheme 2013-2017. The application of the contribution rate of €50 per square metre of office space as set out in Appendix A - Commercial Development, is considered appropriate for the 225 sq.m. first floor office space proposed, in the absence of evidence that the original mezzanine level was used for such purposes or that a financial contribution has previously been paid.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

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**2nd January, 2019**