



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309723-21



<b>Development</b>	Change of use to workshop training centre, the extension of the first floor mezzanine, provision of a canopy with integrated signage and provision of a store and dust containment.
<b>Location</b>	Wilton Works, Robinhood Road, Dublin 22
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20A/0336
<b>Applicant(s)</b>	John Sisk and Sons Holdings Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	First Party Vs Condition No. 10
<b>Appellant(s)</b>	John Sisk and Sons Holdings Ltd
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	30 <sup>th</sup> of June 2021
<b>Inspector</b>	Caryn Coogan
(1009sq.m.)	

## 1.0 Site Location and Description

- 1.1. The subject site is located within a large industrial complex accessed off Robinhood Road. With the substantial Irish Distillers site to the immediate to the east, and the Re Cow Moran site further west.
- 1.2. Within the Wilton Works estate, there are a number of uses, warehousing, distribution, and training. The applicants already occupied a separate building which they use for training purposes.
- 1.3. The subject site is a large warehouse, with a front ramp, roller door, office and car parking to the front of the building. It is a mid terrace warehouse.

## 2.0 Proposed Development

- 2.1. The public notices describe the proposed development as follows:-
  - a) The relocation of the use of existing apprentice joinery workshop from its existing location on the site to Warehouse Unit 2, involving the change of use from warehouse top apprentice joinery workshop training centre, and all ancillary internal and external works. The use of the existing joinery workshop will remain as a training centre for Sisk employees and a general storage area

## 3.0 Planning Authority Decision

### 3.1. Decision

Dublin Couth Co. Co. granted the development subject to 10No. conditions. Condition No. 10 is the subject of this appeal and it relates to a Financial Contribution payable of €237,797.10.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

- The use of the existing apprentice joinery workshop training centre shall remain as a training centre.

- The proposed use is ancillary to the existing established industrial complex on the site.
- The application sets out the proposal will provide the following floorspace:-  
262sq.m. and 29sq.m.extensions to training centres. Increase from 1527sq.m. to 2319sq.m. Warehouse 2 . The total increase is 1038sq.m.
- Development Contributions:  
Change of Use (1572sq.m.),  
New Floor Space and  
Store (29sq.m)

### 3.2.2. **Other Technical Reports**

Irish water -No objections

EHO – No objections

Water Services – No objection

Roads Section- No objection. There are 162No. parking spaces available to the proposed development.

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

None

## 4.0 **Planning History**

S99A/0009 Permission granted for the demolition of existing industrial units and the replacement with 4 new warehouses and ancillary offices.

S97A/0313 Training centre for apprentice carpenters with ancillary work.

## 5.0 Policy Context

### 5.1. Development Plan

In the South Dublin County Development Plan 2016-2022

The site is zoned **REGEN** – *To facilitate enterprise and/or residential -led regeneration.*

CS6 SLO 1

To initiate a plan led approach to the sustainable regeneration of the brownfield lands in Naas Road/ Ballymount REGEN zoned lands. The plan led approach will include the preparation of a masterplan in 2019 with a view to preparing a Local Area Plan or other appropriate mechanism for the Regeneration and Local centre lands at Walkinstown.

### 5.2. Natural Heritage Designations

Not relevant given the brownfield nature of the subject site, and the proposed change of use within an existing building envelop.

### 5.3. EIA Screening

Having regard to the nature the proposed development, the nature of the receiving environment, and proximity to the nearest sensitive location, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal has been taken by the first party under Section 48(10)(b) of the Planning and Development Act 2000.

The proposal is to enable Sisk to function safely in light of the Covid Pandemic and to allow more space for training employees. There will be no increase of staff on site or no increase of demand for parking.

The relevant development contribution scheme is South Dublin County Council Development Contribution Scheme 2021-2025.

The rate of the contribution payable for new commercial floor area under the scheme is €91.11 per sq.m. Under Section 11 there are relevant Exemptions and Reductions whereby a lesser or no contribution is payable.

Section 11 (xxvi) Change of Use: In respect of permission for change of use where development contributions were paid in respect of the former use the contribution payable on the new use will be net of the quantum of development previously paid for. Where a contribution was not previously paid or the development was carried out before 1963 it shall be treated in its entirety as a new development and assessed accordingly.

There is no dispute that the floor area must be in place and a financial contribution regarding the floor area was paid. The only floor area that was not in place is the area of the two mezzanine in Warehouse No. 2 and 219sq.m. in the Training centre.

The total floor area which is subject to the levy of a financial contribution is 1038sq.m.

The boiler store is exempt under section 11 (xx) and 11 (xxiii) and the signage is exempt.

The financial contribution payable is 1038sq.m. x €91.11 amounts to €94572.18.

This is still a considerable contribution having regard to the fact the change of use will not contribute to any additional demand on services.

There is a difference of €143,224 in the amount calculated by the Council.

Under planning reference SD15A/0357 there have no development contribution payable in respect of a change of use.

The amount of €237797 appears to relate to the entire floor area of warehouse 2 and the increased floor area of the training centre.

The planning history of the warehouse developments shows that the financial contributions were paid in relation to both buildings reference S99A/009 and S97A/0313. An order of £197,611 was paid under conditions 12 and 13 attached to permission S99A/0009, and £14,6000 was paid in respect of Conditions 10 and 11 of S97A/0313.

It is requested the Board amend Condition No. 10 in line with the development contribution scheme to €94,572.18

## 6.2. Planning Authority Response

The planning authority confirms its decision, and the issues raised in the appeal have been covered by the planning report.

## 7.0 Assessment

- 7.1 The appeal has been taken by the first party under Section 48(10)(b) of the *Planning and Development Act 2000*. The proposal is to enable Sisk to function safely in light of the Covid Pandemic and to allow more space for training employees. There will be no increase of staff on site or no increase of demand for parking.
- 7.2 The relevant development contribution scheme is **South Dublin County Council Development Contribution Scheme 2021-2025** (relevant extracts appended to this report).
- 7.3 According to the development contribution scheme the amount payable per industrial/ commercial development is €91.11 per sq.m. for a grant of permission after the 1<sup>st</sup> of January 2021. The floor area of the proposed development shall be calculated as the gross floor area (GIA).
- 7.4 Under section 11 of the Development Contributions Scheme there are circumstances listed where no contribution or a reduced contribution is applicable to certain proposed developments. The relevant section is relating to this current planning application is:
- (xxvi) Change of Use: 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 use will be net the quantum of the development previously paid for.

- 7.5 I note the Planning report on file. The report calculates the Development Contribution based on the following floor areas: Change of Use 1572sq.m., + New Floor space (1009sq.m.) + Store (29sq.m.).

That equates to **2610sq.m.** This multiplied by €91.11 equals €237,797.1, which is the amount prescribed in Condition No. 10 of the decision to grant permission.

There is no reference in the Planning Report to Section 11 of the Development Contribution Scheme, which allows for a reduction in the contribution payable relating to a change of use planning application. I am surprised by this error, as the planning report refers to the planning history on the site, namely references S99A/0009 and S97A/0313 relating to the original permissions for the existing training centre and Warehouse 2 which this application directly relates to. There were sizeable development contributions payable under each of the parents permissions relating to the subject site.

- 7.6 The First party Appellant is correct in stating the only **NEW** floor area that did not form part of a previous planning applications/ development contribution calculations, are the two mezzanines in Warehouse No. 2 and 219sq.m. in the existing Training centre, creating a total **NEW** floor area which is subject to the levy of a financial contribution of **1038sq.m.**

- 7.7 Therefore, the correct financial contribution payable as per Section 9 and Section 11 (xxvi) of the adopted Development Contribution Scheme is :

**1038sq.m. @ €91.11/ sq.m. = €94,572.18**

Both structures are existing structures and have been in situ and operating for a considerable length of time. Under these circumstances, I consider €94,572 is a sizeable contribution towards the proposal.

## 8.0 Recommendation

8.1. I recommend the Board revise the financial contribution payable to **€94,574.18**.

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Caryn Coogan  
Planning Inspector

07/07/2021