



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-316091-23**

### Development

Retention of works to a commercial warehouse to include demolition of an existing extension and ancillary accommodation and all associated alterations and works.

### Location

Unit 2A, Smurfit Packaging Systems, Ballymount Road Lower, Dublin 12.

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

SD22A/0462

### Applicant(s)

Howden Joinery (Ireland) Limited

### Type of Application

Retention

### Planning Authority Decision

Grant Retention Permission

### Type of Appeal

First Party – Condition 4-Financial Contribution only

### Inspector

Paul O'Brien

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## **1.0 Introduction**

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-316091-23, dated the 6<sup>th</sup> of June 2023.
- 1.2. The Board in accordance with Section 132 of the Planning and Development Act 2000 as amended, required the Planning Authority to submit:
  - Their comments on the appeal issued on the 22<sup>nd</sup> of March 2023
  - Address the issues raised by the appeal in relation to the application of the development contribution scheme.
- 1.3. The Planning Authority responded on the 24<sup>th</sup> of July 2023. This response addressed the change of use/ retention of the change of use in terms of application of the development contribution scheme.
- 1.4. The applicant/ appellant was invited to make a submission on the Planning Authority comments, and a response was made on the 6<sup>th</sup> of September 2023.

## **2.0 Planning Authority Response**

- 2.1.1. South Dublin County Council made the following points:
  - Change of use: Refers to the Planning Authority report and specifically comments on the creation of new office space within the warehouse. Therefore, the new office space should be subject to a contribution.
  - Contributions are to be levied on change of use where a contribution has not been previously paid, or the development was carried out before 1963. No proof of payment has been found in relation to this.
  - Any development applied for retention, does not have the benefit of a reduction from the contribution scheme.
- 2.1.2. Applicant/ Appellant: the following comments were made:
  - Notes the response of the Planning Authority.
  - The Planning Authority assessment does not reflect what was applied for, '...internal alterations including general reconfiguration of the space to create ancillary office accommodation, trade counter and warehouse space..'

- A change of use was not sought. The total floor area/ office space has reduced, details in the form of floor plans are provided.
- The office space is ancillary to the primary use and similar office space was in place prior to this development.

### **3.0 Assessment**

- 3.1. The opportunity was afforded to the Planning Authority to address issues raised in the appeal and the applicant/ appellant was also invited to respond to the Planning Authority comments.
- 3.2. Having examined the received submissions I consider that no significant new information or comment has been made that would result in a different recommendation to that originally made.

### **4.0 Recommendation**

- 4.1. It is considered that the planning authority incorrectly applied the terms of the South Dublin County Council Development Contribution Scheme 2021 – 2025 in requiring a contribution towards 157.1 sq m of floor area, however, no additional floor area was proposed by the applicant. The alterations to this development resulted in a reduction in floor area and the revisions to the floor area do not constitute additional floor space. It is therefore recommended that the planning authority be directed to omit Condition no. 4 of SD22A/0462.

### **5.0 Reasons and Considerations**

- 5.1. Having regard to the nature of the application which is for external alterations in the form of new cladding, the demolition of an ancillary office area and for modifications and internal alterations to an existing light industrial unit, but which does not result in the creation of any new additional floor area, I consider that the Planning Authority have incorrectly applied the terms of the South Dublin County Council Development Contribution Scheme 2021 – 2025 by conditioning a contribution for 157.1 sq m of floor area, when no additional floor area has been created by this development. The

alterations within the inside of this unit primarily relate to the reconfiguration of the floor area and the relocation of partition floors within this floor space.

5.2. Therefore, Condition no.4 of SD22A/0462 shall be omitted.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Paul O'Brien

Inspectorate

5<sup>th</sup> October 2023