



An
Coimisiún
Pleanála

Inspector's Report

ABP-322339-25

Development

PROTECTED STRUCTURE The development will consist of: The renovation, refurbishment and extension of the existing Protected Structure to provide for an upgraded Sports Club facility.

Location

Saint Assam's Community Hall, Saint Assam's Church, Howth Road, Dublin 5

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEB2248/24

Applicant(s)

Raheny Shamrock Athletic Club

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First-Party (Against S. 48 Condition)

Appellant(s)

Raheny Shamrock Athletic Club

Observer(s)

None.

Date of Site Inspection

N/A

Inspector

Catherine Hanly

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1.0 Introduction

- 1.1. A First-Party appeal has been lodged in this instance, in relation to condition no. 2. Condition no. 2 imposes a Development Contribution in accordance with the provisions of Section 48 of the Planning and Development Act 2000 (as amended).
- 1.2. The proposed development was deemed by the Planning Authority to be in accordance with the relevant Development Plan policy and was considered to be acceptable.
- 1.3. The appeal, therefore, is confined to the matters concerning condition no. 2 only, which the Applicant has appealed, and which, in this case, can be treated under Section 48(10)(b) of the Planning and Development Act, 2000 (as amended). As such, the decision of the Planning Authority stands, and the applicant is entitled to carry out development while their appeal is with An Coimisiún Pleanála. Therefore the Coimisiún cannot consider the merits or otherwise of the development itself. Given the nature of the First-Party appeal, I consider that an inspection of the subject site is not warranted in this instance.

2.0 Site Location and Description

- 2.1. The site is located on Howth Road in Raheny, at the junction of Howth Road and Main Street (R809). Howth Road is positioned to the north of the site, Main Street is positioned to the east of the site, no. 4 Main Street which contains a commercial building is located to the south of the site and a single storey building known as O'Doherty House is positioned to the west of the site.
- 2.2. The site measures 0.073 ha and contains the former Saint Assam's Church. The former church is stone built and set back from its boundaries behind metal railings over plinth walls. There is an open area to the south of the building, with a single storey toilet extension at the western rear of the building. The former church is currently used as a clubhouse by the Raheny Shamrock Athletic Club. St. Assam's Roman Catholic Parish Church (former) is a Protected Structure under ref. 3966.

3.0 Proposed Development

- 3.1. The proposed development comprises the following:

- The renovation, refurbishment and extension of the existing Protected Structure to provide for an upgraded Sports Club facility.
- Proposed works to the existing Protected Structure are inclusive of:
 - (1) demolition of the existing non-original 20th century single-storey toilet block extension to the south of the main building;
 - (2) removal of existing internal staircase from ground to first floor levels including false ceiling over, and infilling of the stair void with a new timber floor to match existing;
 - (3) removal of non-original stud partition walls at ground and first floor levels and removal of existing internal door openings at ground and first floor levels;
 - (4) removal of existing fire escape stair at the southwestern corner of the building and the provision of a new fire escape stair in its place;
 - (5) internal reconfiguration at ground and first floor levels of the existing building, including the addition of new stud partition walls and internal door openings to accommodate a Gym, a Club Social Hub, and a Club Office all at ground floor level; and a Sports Hall and Club Meeting Room at first floor level.
- Internal works at first floor level are also inclusive of:
 - (6) remedial works to existing timber floor where required; remodelling of timber floor projecting into window bays along the north elevation, cutting back the floor to form a void and installation of aluminium fire-rated glazing; and remodelling of existing non-original fire escape door to the south elevation.
- External works to the existing Protected Structure include:
 - (7) removal of modern brickwork to allow for a new window in the existing oculus opening over the arch on the western elevation;
 - (8) remodelling of 3 no. existing window openings to the southern elevation at ground floor level to form 2 no. arched door openings and 1 no. arched window opening;

- (9) remodelling of 3 no. existing window openings to the southern elevation at first floor level, with one opening to be removed and 2 no. arched door openings being created;
- (10) repointing of stone work using lime pointing where required;
- (11) removal of existing aluminium gutters and replacement with new cast aluminium gutters;
- (12) at roof level, removal and replacement of slates and felt covering to roof over entrances on the southern and northern elevations; and removal of a number of slates to the main roof to allow for inspection and replacement of wall plate and rafter ends where necessary.
- The proposed development will also provide for:
 - (13) the construction of a 2-storey flat roofed extension to the south of the existing Protected Structure, with an enclosed plant area at roof level. Internally the extension will comprise an entrance lobby, commercial unit, storage space and bathroom facilities (including an accessible W.C), all at ground floor level. Access to the first-floor level is available via a new internal platform lift and stairs, with the first floor level comprising wellness/treatment rooms for club use, shower facilities, a plant room and circulation space;
 - (14) the proposed extension will be connected to the Protected Structure via 3 no. inter-connecting doorways at ground floor level and 2 no. inter-connecting doorways at first floor level. These linkages will comprise frameless structural glazing with internal glass fins;
 - (15) the main pedestrian access to the premises is proposed off Main Street to the east via the existing double gates, a new stair access and platform lift are proposed inside this access. A bicycle parking entrance and fire escape are available along the north-western site boundary, and a secondary entrance and fire escape to the Protected Structure is available along the northern site boundary.
 - (16) provision of outdoor seating;
 - (17) provision 17 no. bicycle parking spaces;

- (18) provision of new club signage on the eastern elevation of the proposed extension; and,
- (19) associated site and infrastructural works which include; foul and surface water drainage, hard and soft landscaping, boundary treatments, provision of solar PV panels at roof level, internal mechanical and electrical works, lighting, bin storage and all associated site works necessary to facilitate the development.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. A Notification of Decision to Grant Permission was issued on 25th March 2025, subject to 13 no. conditions.
- 4.1.2. The relevant condition in relation to this appeal is Condition no. 2, which states the following:

“A development contribution in the sum of €29, 578.84 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council’s Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.”

4.2. Planning Authority Reports

4.2.1. Planning Reports

- A record of the Section 48 Development Contribution applied under Dublin City Council's 2023 – 2026 Development Contribution Scheme outlines that the contribution was calculated for commercial development as follows:

| | Rate per Sqm | Proposed | Granted | Con. Area | Total € |
|-------------------------------|--------------|----------|---------|-----------|------------|
| Commercial | €118.60 | 278.8 | 278.8 | 249.4 | €29,578.84 |
| Development Contribution Due: | | | | | €29,578.84 |

- The following Section 48 Contribution Breakdown is included:

| | |
|------------|---------------------------------------------------------|
| Commercial | 278.8 sq. m |
| Notes: | 278.00sqm (Proposed) - 29.40sqm = 249.40sqm (Levy Area) |

5.0 Planning History

5.1. Relevant planning history for the site:

- Ref. **2542/11**. Alterations to elevations and plans of a proposed Sports Club Facility. 2011 **Grant**.
- Ref. ABP **PL 29N 234572** and P.A. Ref. **2487/09**. Renovation of existing church structure and the construction of an extension. 2010 **Grant**.

6.0 Policy Context

6.1. Dublin City Council Development Contribution Scheme 2023 – 2026 (Development Contribution Scheme)

- 6.1.1. Section 9 sets out the following level of contributions to be paid (except where no contribution or a reduced contribution applies) in respect of commercial development:

| Class of Public Infrastructural Development | € per square metre of Industrial/ Commercial Development |
|-------------------------------------------------------------------------|-----------------------------------------------------------------|
| Class 1: Roads infrastructure & facilities | €35.85 |
| Class 2: Drainage (surface water/ flooding) infrastructure & facilities | €5.93 |
| Class 3: Parks and open space facilities | €19.81 |
| Class 4: Community facilities & amenities | €26.05 |
| Class 5: Urban regeneration facilities & amenities | €30.96 |
| Total of Contributions Payable | €118.60 |

- 6.1.2. Section 9 also states the following relevant notes:

- 6.1.3. **“Note 1:** *This scheme is effective in respect of Planning Applications lodged with Dublin City Council from 1st April 2023, where a development contribution is applicable under this Scheme.*
- 6.1.4. *In the case of existing permissions granted before the 1st April 2023 which have not yet commenced and in the case of applications lodged but not yet decided the applicable scheme is the scheme in place at the time of lodgement of the relevant application.*
- 6.1.5. *The above rates shall be fixed from 1st April 2023 to 31st December 2024. Consideration may be given to applying indexation to the rates of contribution effective thereafter in consideration of the SCSl Construction Tender Price Index”.*
- 6.1.6. **“Note 2:**
- (a) The floor area of proposed development in a single dwelling unit or commercial development shall be calculated as the gross floor area. This means the area*

ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions) and including mezzanine floors.”

- 6.1.7. **“Note 3:** *New extensions to existing developments, including domestic extensions, will be charged at the above rates, other than in circumstances where no contribution or a reduced contribution applies as per below.”*
- 6.1.8. Section 10 sets out that “*development to be used for social, recreational or religious purposes and not to be used for profit or gain*”, will not be required to pay development contributions under the scheme.
- 6.1.9. Section 11 states that the following development will be liable for a reduced rate of development contributions under the Scheme:
- *“Where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floor space created.”*

6.2. Planning and Development Act 2000 (as amended)

- 6.2.1. Section 48 of the Planning and Development Act 2000, as amended provides as follows:
- 6.2.2. *“48.—(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).*
- 6.2.3. *(2) (a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.*
- 6.2.4. *(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.*
- 6.2.5. *(c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local*

authority in respect of public infrastructure and facilities which benefit the proposed development.

- 6.2.6. (3) (a) *A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.*
- 6.2.7. (b) *In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.*
- 6.2.8. (c) *A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.”*
- 6.2.9. Section 48 (10) provides:
- 6.2.10. “(10) (a) *Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.*
- 6.2.11. (b) *An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.*
- 6.2.12. (c) *Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal. provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.”*

6.3. Planning and Development Regulations, 2001, (as amended)

- 6.3.1. Part 1 (3)(3) states that “gross floor space” means “*the area ascertained by the internal measurement of the floor space on each floor of a building (including internal*

walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;”.

6.4. EIA and AA Screening

- 6.4.1. As this First-Party appeal relates to a financial contribution condition only, the decision of the Planning Authority stands. The applicant is entitled to carry out development while their appeal is with An Coimisiún Pleanála. As such, EIA Screening and AA Screening are outside the remit of An Coimisiún.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A First-Party appeal has been lodged in this instance, in relation to the application of condition no. 2 in the Notification of Decision to Grant Permission by Dublin City Council. The grounds of appeal can be summarised as follows:

Club Status

- The applicant and future occupier of the scheme, Raheny Shamrock Athletic Club is a not for profit, tax exempt, community based sports organisation.
- Raheny Shamrock Athletic Club relocated to the former Saint Assam's Church in 2022.
- The majority of the proposed facility at Saint Assam's, save for a 42 sq. m commercial unit at the ground floor level, is intended solely for social, recreational and sports development purposes.
- Condition no. 2 is based on an area of 249.4 sq. m and the Council's "Industrial/ Commercial" contribution rate at the time of the grant of permission of €118.60 per square metre. The 249.4 sq. m area used by the Planning Authority in its calculation is based on the overall area of the proposed 2 storey extension (278.8 sq. m), minus the area subject to demolition (29.4 sq. m).

- The Council should not have included the club facilities within the extension in its calculation of the total contribution fee due. The only area of the proposed building which should be subject to a contribution fee is the ground floor level commercial unit which has a stated area of 42 sq. m.
- Section 10 of the Contribution Scheme states that “*development to be used for social, recreational or religious purposes and not to be used for profit or gain*”, will not be required to pay development contributions under the scheme.
- Raheny Shamrock Athletic Club is a not for profit, community based sports club and aligns with a development to be used for social or recreational purposes and not for profit or gain.
- Relevant extracted pages from the Revenue Commissioners database of Sports bodies granted tax exemption under s235 Taxes Consolidation Act (TCA) 1997 dated 31st March 2025 are included with the appeal which lists Raheny Shamrock Athletic Club as a tax exempt body.
- The gross area of the club facility as approved which equates to approximately 615.6 sq. m (including the 2 storey extension, minus the 42 sq. m ground floor commercial unit, and the area of the refurbished former church building) should not be subject to any contribution payment based on section 10 of the Contribution Scheme.
- Raheny Shamrock Athletic Club recently submitted a planning application under ref. **4733/22** in relation to a site at All Saints Park in Raheny. The application was submitted prior to the purchase of Saint Assam’s. The approved development under ref. **4733/22** was not and will not be pursued.
- Under ref. **4733/22**, Dublin City Council did not apply any contribution condition to this application on the basis of the club’s status as a not for profit development used for social/ recreational purposes.

Reduced Rate

- Section 11 of the Contribution Scheme sets out development that will be liable for a reduced rate of development contributions. It states that “*where an applicant is granted permission to demolish in part or in full an existing*

building and replace with another, then the development contribution payable is to be charged on the net additional floor space created.”

- The development provides for the demolition of an existing non-original 20th century single-storey toilet block extension. The demolition is required to accommodate the new 2 storey extension which includes the 42 sq. m ground floor commercial unit. The area of demolition which is 29.4 sq. m should be offset against the area of development subject to the contribution scheme. This would accord with Section 11 of the Contribution Scheme.
- Subtracting the area of demolition (29.4 sq. m) from the area of the ground floor commercial units (42 sq. m), results in the net additional floor area being 12.6 sq. m.
- Based on the contribution rate applied by the Planning Authority in condition no. 2 of €118.60 per square metre, the contribution should be €1,494.36.

7.2. Planning Authority Response

- 7.2.1. A response was not received from the Planning Authority before the end of the specified period.

7.3. Observations

- 7.3.1. None.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including the appeal, and having regard to the relevant local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Status of the Club
- Reduced Rate

8.2. Status of the Club

- 8.2.1. The appellant requests the Coimisiún to consider the not-for profit / gain status of the organisation as qualification under section 10 of the *Development Contribution*

Scheme. The Coimisiún will note that the *Development Contribution Scheme* clearly states that a development (not an organisation) must be not for profit / gain. That the applicant's organisation is not for profit or gain does not mean that the use of its development is not for profit or gain. I note the information submitted with the appeal and I am satisfied that Raheny Shamrock Athletic Club is a tax exempt body.

8.2.2. I have reviewed the documentation submitted with the planning application and appeal, and I am satisfied that the café would be operated by a specialised café operator which would serve both the public and the club. As such, I consider that the 42 sq. m café is a commercial use for profit and therefore does not accord with section 10 of the *Development Contribution Scheme*.

8.2.3. I note that the application is for works both to the existing building and an extension which measures 278.8 sq. m. The extension provides for an entrance lobby, a store, toilets, a commercial café, a wellness treatment room, plant space and showers. Having regard to the use of the existing building and the proposed extension by the Raheny Shamrock Athletic Club, I am satisfied that the use of the development (not including the café), accords with Section 10 of the *Development Contribution Scheme* in relation to social and recreational purposes, which are not for profit or gain. I therefore consider that the exemption provided for under Section 10 of the *Development Contribution Scheme* should apply to the extension and not the café. As such, I am satisfied that the development contribution should apply to the café only.

8.3. **Reduced Rate**

8.3.1. The appellant has requested that the Coimisiún consider that the development is liable for a reduced rate under section 11 of the *Development Contribution Scheme*. Section 11 of the *Development Contribution Scheme* states that “where an applicant is granted permission to demolish in part or in full an existing building and replace with another, then the development contribution payable is to be charged on the net additional floor space created.”

8.3.2. I note that the development has been permitted to demolish a single storey extension to the rear of the building, measuring 29.4 sq. m and to replace it with an extension measuring 278.8 sq. m. As noted above in section 8.2.3, I am satisfied that the development contribution should apply to the café only (42 sq. m). Having

regard to section 11 of the *Development Contribution Scheme*, I consider that the development is liable for a reduced development contribution rate which should be charged on the net additional floor space created. Subtracting the area of demolition (29.4 sq. m) from the area of the ground floor commercial unit (42 sq. m), results in the net additional floor area being 12.6 sq. m. Based on the contribution rate applied by the Planning Authority in condition no. 2 of €118.60 per square metre, in accordance with Section 9 of the *Development Contribution Scheme* for commercial development, I calculate that the contribution should be €1,494.36.

Conclusion

- 8.3.3. Having regard to section 11 of the *Development Contribution Scheme*, I consider that the net additional floor area of 12.6 sq. m is applicable for the development contribution. Based on the contribution rate applied by the Planning Authority at the time of its decision and in accordance with the rates for commercial development set out in Section 9 of the *Development Contribution Scheme*, I consider that the rate of €118.60 per sq. m is applicable. As such, I am satisfied that development contributions amounting to €1,494.36 should be applied (12.6 sq. m x €118.60 = €1,494.36).

9.0 Recommendation

- 9.1. I recommend that condition no. 2 of the Planning Authority's decision be amended to read as follows:
2. *"A development contribution in the sum of €1,494.36 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly."*

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.”

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.

Catherine Hanly
Planning Inspector

10th July 2025