

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: FW15A/0151

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APPEAL by Channon Limited care of AOS Planning of 2nd Floor, The Courtyard, 25 Great Strand Street, Dublin against the decision made on the 27th day of January, 2016 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a four-storey office building with rooftop plant and associated car and bicycle parking, bin store and site works, all at Plaza 211, adjacent to Plaza 212, previously referred to as Site E, Blanchardstown Corporate Park (Phase 2), Blanchardstown Road North, Dublin.

DECISION

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 13(g) and the reason therefor, to ATTACH condition number 14 and the reason therefor and to AMEND conditions numbers 2 and 5(b) so that they shall be as follows for the reasons set out.

2. The use of the proposed office block shall be restricted to uses set out in Class 3 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001 to 2015, and to use as offices for the provision of financial and professional services only where such services are not provided principally to visiting members of the public.

Reason: in order to clarify the extent of the permission, and in the interest of the proper planning and sustainable development of the area.

- 5(b) Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than the signage agreed with the planning authority under condition number 5(a)(3) of this permission, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other advertisement structures through the statutory planning process.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective for the site, as set out in the current Development Plan for the area, and having regard to the existing character and pattern of development in the vicinity of the site, it is considered appropriate to amend condition number 2 to allow for a less restricted range of uses. In order to ensure effective control over advertising signage, and having regard to the provisions of condition number 5(a)(3) of the permission, it is considered appropriate to require planning permission for all further signage and advertisements, but to modify the wording of condition number 5(b). Having regard to the proposed use of the subject development, it is considered that condition number 13(g) is not required. In relation to condition number 14, it is considered that the terms of the relevant Fingal County Council Development Contribution Scheme have been properly applied.

In not accepting the Inspector's recommendation to require the omission of condition number 14, the Board considered that it had not been established

that the Development Contribution Scheme had not been properly applied in this instance, and noted that the Scheme does not include any exemption or reduction in the case of a development where financial contributions had previously been paid on the same site.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2016.