



An  
Bord  
Pleanála

**Board Order**  
**PL 06F.248506**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW17A/0020**

**Appeal** by Gossm Investments Limited care of Stephen Molloy Architects of 12 Saint Brigid's Shopping Centre, Main Street, Blanchardstown, Dublin against the decision made on the 18<sup>th</sup> day of April, 2017 by Fingal County Council in relation to an application by Gossm Investments Limited for permission for retention of the following items: (a) new wooden effect, steel clad recycling and bin storage shed to the eastern end of the building at lower ground floor (car park) level, (b) two-sided advertising sign of the main vehicular entrance driveway to the car parking area to the eastern end of the site, (c) single sided advertising sign in the car park area to the east side of the building at ground floor (car park) level, (d) the bicycle rack and perspex shelter in the car parking area adjacent to the eastern end of the building, (e) the bike rack along the northern elevation of the hotel at upper ground floor (canal) level, (f) the new wooden effect, steel clad structure, used to dispense ice cream and coffee to the west of the veranda of the building at upper ground floor (canal) level, (g) replacement of old awning and clear perspex side walling with new awning and perspex side walling to include a larger footprint of this covered outdoor space (18.5 square metres), (h) new granite steps and handrail from the western end of the carpark up to the canal bank path, and (i) all associated landscaping and site improvement works in line with the above at 12th Lock Hotel, Old Navan Road, Castleknock, Dublin in accordance with the plans and particulars lodged with the said Council

(which decision was to grant subject to conditions permission for retention of (a) new wooden effect, steel clad recycling and bin storage shed to the eastern end of the building at lower ground floor (car park) level, (d) the bicycle rack and perspex shelter in the car parking area adjacent to the eastern end of the building, (e) the bike rack along the northern elevation of the hotel at upper ground floor (canal) level, (h) new granite steps and handrail from the western end of the carpark up to the canal bank path, and (i) all associated landscaping and site improvement works, and to refuse permission for retention of (b) two-sided advertising sign of the main vehicular entrance driveway to the car parking area to the eastern end of the site, (c) single sided advertising sign in the car park area to the east side of the building at ground floor (car park) level, (f) the new wooden effect, steel clad structure, used to dispense ice cream and coffee to the west of the veranda of the building at upper ground floor (canal) level, and (g) replacement of old awning and clear perspex side walling with new awning and perspex side walling to include a larger footprint of this covered outdoor space (18.5 square metres)).

## **Decision**

**GRANT permission for retention of (a) new wooden effect, steel clad recycling and bin storage shed to the eastern end of the building at lower ground floor (car park) level, (d) the bicycle rack and perspex shelter in the car parking area adjacent to the eastern end of the building, (e) the bike rack along the northern elevation of the hotel at upper ground floor (canal) level, (g) replacement of old awning and clear perspex side walling with new awning and perspex side walling to include a larger footprint of this covered outdoor space (18.5 square metres), (h) new granite steps and handrail from the western end of the carpark up to the canal bank path, and (i) all associated landscaping and site improvement works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for retention of (b) two-sided advertising sign of the main vehicular entrance driveway to the car parking area to the eastern end of the site, (c) single sided advertising sign in the car park area to the east side of the building at ground floor (car park) level, and (f) the new wooden effect, steel clad structure, used to dispense ice cream and coffee to the west of the veranda of the building at upper ground floor (canal) level, based on the reasons and considerations marked (2) under.**

## **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.

## **Reasons and Considerations (1)**

Having regard to the nature, location, modest scale and detailed design of the proposed development, it is considered that, subject to compliance with the conditions set out below, these elements of the proposed development would comply with the provisions of the Fingal County Development Plan 2017 to 2023 in respect of non-conforming land uses, would be acceptable in terms of traffic safety and would not seriously injure the amenities of the area or the residential amenity of properties in the vicinity. These elements of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. These elements of the development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Within three months of the date of this order, revised plans and particulars shall be submitted to the planning authority for written agreement indicating:
  - (a) The covered storage area to the east of the hotel building aligned with the existing walls of the hotel building immediately to the west, such that the northern end of the storage building aligns with the existing northern wall of the hotel building.
  - (b) Revised details in respect of the external finish of the storage area, to compliment the adjoining hotel wall.
  - (c) Landscaping of the area to the west of the hotel building and covered area, to include (a) a modest smoking area, and (b) controlled public access to the remaining open space area.

**Reason:** In the interest of visual amenity and residential amenity.

3. No external lighting or illumination be attached to or erected on the covered area without a prior grant of permission.

**Reason:** In the interest of visual amenity and residential amenity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority with three months of the date of this order. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

7. All necessary measures shall be taken to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works on the subject site.

**Reason:** In the interest of traffic safety and visual amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

