



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: FW17A/0108

Appeal by Tractamotors Blanchardstown Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin and by others against the decision made on the 22nd day of December, 2017 by Fingal County Council to grant subject to conditions a permission to Niall Ryan care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of all existing structures on the site including garage (457.8 square metres) and office (110.6 square metres). It is proposed to construct a two-storey building on the subject (683.89 square metres gross floor area). The ground floor level will function as a service station building and includes three number restaurants (with preparation areas measuring 17.89 square metres, 18.18 square metres and 16.6 square metres); communal seating area of 42.32 square metres; net retail area of 85.5 square metres (including ancillary off-license of 6.65 square metres) and back of house area (51.09 square metres). The first floor level will include three number studio rooms (for use as fitness related use; combined floor area of 112.99 square metres), communal seating (59.41 square metres) and back of house (including toilets - 106.45 square metres). The building will

contain five number signs (including one logo and two small price points). It is also proposed to provide four number fuel pump islands with a canopy over (signage to three number sides). All ancillary site works including landscaping, new boundary treatment to front (including 'welcome' sign) and east side, drainage (including attenuation tank), underground tanks, parking, refuelling point, vents, Main ID sign, entrance only and exit only access arrangement, all at Ryan's Garage, Main Street, Blanchardstown, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Having regard to the provisions of the Fingal County Development Plan 2017 to 2023, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of December, 2017, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. For the avoidance of doubt:
 - (a) Two restaurant units and one retail unit are permitted at ground level.
 - (b) Two fitness studios and one office unit are permitted at first floor.
 - (c) A fast food/hot food take-away unit is not permitted.

Reason: In the interest of clarity and orderly development.

3. The developer shall comply with the following use requirements:
 - (a) The shop retail area shall not exceed 100 square metres and the floor area of the internal seating shall not exceed the area indicated on the floor plans by a perforated blue line on drawing number FI-01-A received by the planning authority on the 1st day of December, 2017.

- (b) The general circulation area between the retail area, seating area and food area shall be identified by a floor surface finish in a different colour and this area shall not be encroached upon by the retail or seating areas, and shall not be used or obstructed by advertising, display or sales, temporary or otherwise.
- (c) The uses on the first floor level shall be as per indicated on the first floor plan on drawing number FI-01-A received by the planning authority on the 1st day of December, 2017. The two fitness studios shall be confined to Class 11 (e) of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended. The office shall be confined to Class 2 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended, with the exception of a betting office, or Class 3.
- (d) Any change of use, subdivision or amalgamation of units within the building at ground and first floor levels shall require a separate grant of planning permission.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

- 4. Revised drawings showing the totem sign omitted and the fuel price display located on the western elevation of the building in the area indicated as render finish, grey on drawing number FI-01-A received by the planning authority on the 1st day of December, 2017, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interests of orderly development and visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, other than those authorised by this permission (as modified by condition number 4 of this permission), unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed building, hard surfaces and canopy for the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interests of orderly development and visual amenity.

7. The proposed uses (including the petrol pumps, fuel hatch, retail unit, restaurants, fitness studios and office) shall only open between the hours of 0700 and 2300 Monday to Sunday (inclusive), and fuel deliveries shall only take place between the hours of 0800 and 2300 Monday to Saturday and not at all on Sundays and public holidays, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of clarity and residential amenity.

8. The developer shall comply with the following tree protection requirements:
- (a) The applicant shall engage the services of a suitably qualified arborist.
 - (b) Prior to the commencement of any works on site, a meeting with the project manager, site foreman, the appointed Landscape Architect and Arborist and Local Authority Parks Superintendent from the Parks and Green Infrastructure Division of the planning authority shall be carried out to discuss the retention of the existing street trees.
 - (c) Protective fencing shall be erected prior to the construction works commencing on site. This shall be marked out on site by the project arborist and once erected shall remain in place for the duration of the project.
 - (d) The arborist shall be present for all works associated with the crossovers of the public footpath.
 - (e) In the event of unforeseen incidents occurring, that may adversely affect or threaten the welfare or security of the trees, the project manager/site foreman shall inform the arborist at the earliest opportunity and not more than one working day following the incident.

- (f) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the protection of street trees and in the interest of visual amenity.

9. The developer shall comply with the following landscape requirements:
- (a) The landscape plan received by the planning authority on the 1st day of December, 2017 shall be carried out in full following the first planting season after the first operation of the Petrol Station.
- (b) The boundary treatment plan drawing number FI-04 received by the planning authority on the 1st day of December, 2017 shall be carried out in full prior to the first operation of the petrol station.
- (c) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.

- (d) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for general Landscape Operations (excluding hard surfaces).
- (e) All new planting shall be positioned in accordance with the requirements of Table 3 of BS 5837:2012 'Trees in Relation to Design, Demolition and Construction Recommendations.'
- (f) Any tree, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs of hedging plants of similar size and species to those originally required to be planted.

Reason: In the interests of visual amenity and orderly development.

- 10. The developer shall comply with the following transportation requirements:
 - (a) The surface finish at the crossover locations shall be agreed with the planning authority in writing after the removal of the cobble lock layer.

- (b) Notwithstanding the proposed road layout on drawing number PFSBLA-DOB- 00-SI-DR-C-0020 Rev. No. P01 received by the planning authority on the 1st day of December, 2017, a revised road layout at the entrance to the proposed development with a view to minimising the loss of car parking spaces on Blanchardstown Main Street shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any proposed alterations to the existing lining/on street car parking spaces on Main Street Blanchardstown to provide a right turn pocket shall be implemented at the developer's expense and to the satisfaction of the planning authority.
- (c) Details of a lined and signalled pathway from the car parking area to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (d) All the above works shall be carried out at the developer's expense prior to occupation of the new development in accordance with the specification and conditions of the planning authority.

Reason: In the interests of orderly development and road safety.

- 11. Revised details indicating the protection of the existing bungalow to the west of the site from light overspill and disturbance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

12. Noise due to the normal operation of the development shall not cause a nuisance to nearby noise sensitive locations and shall not exceed the background level by 10dB(A) or more, as measured from nearest noise sensitive locations. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

Reason: In the interest of residential amenity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste in the interest of protecting the environment.

15. The developer shall control odour emissions from the premises in accordance with measures including extraction duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

16. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

17. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material, and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

18. The site works and building works required to implement the development shall only be carried out between 0800 hours and 1900 hours, Monday to Friday and between 0800 hours and 1300 hours on Saturdays and not at all on Sundays or public holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

19. 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 prior to commencement of development 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.

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

Dated this day of 2018.