



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F17A/0630**

**Appeal** by W.V. Cummins of 39 Alden Road, Bayside, Dublin against the decision made on the 11<sup>th</sup> day of June, 2018 by Fingal County Council to grant subject to conditions a permission to Murdock Distribution (Ireland) Limited care of Hughes Planning Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of alterations to previously approved builders merchant yard (planning register reference number F16A/0529/appeal reference number PL 06F.248034) which include: (i) use of rear yard for external storage of building materials and goods associated with approved builders merchants use; (ii) omission of approved car parking area (30 number spaces associated circulation area) adjacent to eastern site boundary (with Alden Road/Verbena Lawn) and provision of three number metal racking storage units (4.54 metres in height) accessible by Murdock's Builders Merchant staff only; (iii) provision of two number metal racking storage units (3.6 metres in height) adjacent to southern elevation of existing building; (iv) alterations of condition number 6 of (planning register reference number F16A/0529/appeal reference number PL 06F.248034) to provide for

revised opening hours of 0700 hours to 1800 hours on weekdays and 0800 hours to 1300 hours on Saturday, and (v) reconfiguration of approved surface car park at front of site (facing Kilbarrack Parade) to provide 25 number on-site car parking spaces. Permission is also sought for (i) provision of supplementary screen landscaping along full extent of eastern site boundary (with Alden Road and Verbena Lawn); (ii) alterations to loading/service yard layout to delineate dedicated loading bays adjacent to existing building; and, (iii) all associated site development works necessary to facilitate the development, at Murdocks Builders Merchants, Kilbarrack Industrial Estate, Kilbarrack PArade, Kilbarrack, 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 zoning objectives for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development for permission and the development for retention would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic impact and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 15<sup>th</sup> day of May 2018, 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, carried out and completed in accordance with the agreed particulars.

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

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 20<sup>th</sup> day of July 2017 under appeal reference number PL 06F.248034 (planning register reference number F16A/0529), and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Within one month of the date of this Order, the developer shall:
  - (a) Relocate the two number metal racking storage units referred to as 'Rack Type 1' in a western direction in order to provide a minimum five metre separation distance to the eastern site boundary, as shown on drawing number 401 'Proposed Site Layout', submitted to the planning authority on the 15<sup>th</sup> day of May 2018. No storage of materials, goods, refuse or any other items shall take place within this five metre buffer area to the east and north-east of the site boundary, adjoining the rear gardens of numbers 37 and 38 Verbena Lawn and numbers 43, 45 and 47 Alden Road.
  - (b) Reduce the height of the two number metal racking storage units, referred to as 'Rack Type 1' in the above-mentioned drawing, to a maximum of three metres above ground level, and ensure that the materials stored thereon shall not exceed this height, in accordance with the specific controls set out in the Safety and Health Statement submitted to the planning authority on the 15<sup>th</sup> day of May 2018.

**Reason:** In the interests of visual and residential amenity and public health.

4. The floodlights shall be directed onto the storage and away from adjacent housing, gardens and roads. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent housing, gardens and roads.

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

5. The hours of operation shall remain as previously permitted under appeal reference number PL 06F.248034 (planning register reference number F16A/0529), that is, between 0730 hours and 1730 hours Monday to Friday and between 0800 hours and 1300 hours on Saturday. The unit shall not operate on Sundays or public holidays. No deliveries shall be taken at or dispatched from the premises and no manoeuvring of vehicles or goods outside of the premises shall occur outside of these hours.

**Reason:** To protect the residential amenities of the area.

6. The landscaping scheme shown on drawing number 300, as submitted to the planning authority on the 15<sup>th</sup> day of May 2018, shall be carried out within the first planting season following the date of this Order. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

---

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

**Dated this            day of            2019.**