



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0639

Appeal by Karl Philpott of 45 Magenta Hall, Santry, Dublin against the decision made on the 10th day of January, 2019 by Fingal County Council to grant subject to conditions a permission to Cosgrave Property Developments Limited care of RPS Group Limited of West Pier Business Campus, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The temporary partial change of use for 10 years of 495 square metres net floor area within Unit C9 from retail warehouse to general retail and all associated works on a 0.084 hectare site, all at Unit C9, Gulliver's Retail Park, Northwood Avenue, Santry Demesne, Santry, 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 temporary nature, and limited scale of the proposed change of use development, to its location on lands zoned for ME (Metro Economic) uses and within a designated Level 4 retail centre and to the detailed policies and objectives of the Fingal County Development Plan 2017 to 2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the retail hierarchy set out in the Development Plan, be in accordance with the policies and objectives of the “Retail Planning Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in April, 2012 and the Retail Strategy for the Greater Dublin area and would not be premature or establish an inappropriate precedent for similar development. 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 and by the further plans and particulars received by An Bord Pleanála on the 5th day of March, 2019, 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. This permission permits the partial change of use from retail warehouse to general retail in Unit C9 for a period of 10 years from the date of this order, unless before the end of that period, permission for the continuance of the use beyond that date has been granted.

Reason: To enable the development to be reviewed, in the interest of the proper planning and sustainable development of the area, having regard to the circumstances then prevailing.

3. All goods, including raw materials, manufactured goods and packaging, crates shall be stored or displayed only within the enclosed unit.

Reason: In the interest of visual amenity.

4. The hours of operation shall be between 0800 hours and 2200 hours Monday to Sunday. Delivery times shall be between 0700 hours and 2300 hours Monday to Sunday. No trade or delivery, respectively, shall take place outside of these hours.

Reason: In the interest of the residential amenities of property in the vicinity.

5. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:-
 - (a) appropriately scaled elevational drawings of the proposed signage to be erected on the front external elevation of Unit C9, and
 - (b) details of any roller shutters, roller shutter boxes or other security shuttering (to be open grille type, dark coloured and installed internally behind the line of glazing).

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

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. 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

Paul Hyde

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

Dated this day of 2019.