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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW18A/0122**

**Appeal** by Millstead Residents' Association care of Michael Collins of 22 Millstead, Blanchardstown Village, Dublin against the decision made on the 16<sup>th</sup> day of April, 2019 by Fingal County Council to grant subject to conditions a permission to Patrick Molloy care of Stephen Molloy Architects of 12 Saint Brigid's Shopping Centre, Main Street, Blanchardstown, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Mixed-use commercial building consisting of three stories over basement on the existing vacant site located east of Ulster Bank and forming part of the overall Deanstown House site and car park. Uses of the building will be office and related uses to the first and second floors, retail use with four separate shops to the ground floor and a secure storage premises to the basement area. Development will consist of removal of the existing advertising signs on site and all existing boundary walls/palisade fence, reconfiguration of existing car parking spaces to the rear car park with an increase from 26 to 37 car parking spaces, 10 number new bicycle spaces to the rear car parking area, associated site development works/hard landscaping/boundary treatments/waste disposal areas and services

connections, all at Existing Vacant Site, East of Ulster Bank, forming part of Deanstown House site, 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 zoning objectives for the subject site, as set out in the Fingal County Development Plan 2017-2023, to the pattern of development in the vicinity and to the nature, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development and land use at this location, would not seriously injure the amenities of property in the area and would not adversely affect traffic and pedestrian safety. 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 plans and particulars submitted on the 22<sup>nd</sup> 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. Prior to commencement of development, revised plans, drawings and specifications, detailing the following shall be submitted to, and agreed in writing with, the planning authority:
  - (i) Details of all rainwater goods.
  - (ii) Details of external lighting to be provided in the rear car park to serve all parking spaces.
  - (iii) Details of any plant at roof level including for any external extraction or ventilation. In this regard only plant required to be on the roof shall be permitted. All other plant including extraction or ventilation shall be internalised within the envelope of the building.
  - (iv) Revised finishes to provide a greater punctuation of material to offset the dominant render material.

**Reason:** In the interests of visual amenity and of proper planning and sustainable development.

3. Details including samples of the materials, colours and textures of all external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. All service cables associated with the proposed development shall be located underground.

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

5. External roller shutters shall not be erected. Any internal shutter shall only be of the perforated type, coloured to match the shopfront.

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

6. The use of the building shall be restricted to retail use at ground floor level, office use at first and second floor levels, staff bicycle storage/shower area and storage, at basement level. No amalgamation or subdivision of retail units shall take place without a prior grant of planning permission. No use of the retail units for use as a hot food take-away or betting office shall take place, without a prior grant of planning permission.

**Reason:** In the interests of clarity and of the amenities of the area.

7. A detailed signage scheme for the entire site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The quantum, location, design and finishes of the signage shall be included. Once written agreement has been issued in relation to the signage scheme, notwithstanding the exempted development provisions, as set out in the current the Planning and Development Regulations, no additional signage and/or lighting features shall be erected externally on any elevation or within the site without a prior grant of planning permission.

No free-standing advertising structures associated with the proposed development shall be erected on the adjoining public footpath, to the front or side of the retail units.

**Reason:** in the interest of visual amenity.

8. A revised landscape plan that provides a more detailed plan of the street planting, including full details of the constructed tree pits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that the landscaping is appropriate.

9. Details of the opening hours for the retail units shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the building.

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

10. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

**Reason:** In the interests of public health and orderly development.

11. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and orderly development.

12. Prior to commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:

- (i) A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points, to allow for future fitout of charging points.
- (ii) A taking in charge drawing for the public footpath area.
- (iii) The design of the crossovers of the footpath at the entrances to the car parking areas.
- (iv) The provision of eight bicycle stands at surface level.
- (v) The surface materials for the public footpath, including the provision of bollards on the footpath where necessary. The footpath works shall be completed at the developer's expense and to the requirements of the planning authority.
- (vi) A Mobility Management Plan shall be provided by the management company promoting public transport, car sharing, bike sharing and cycle parking management.

**Reason:** In the interests of clarity and orderly development.

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

14. 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:
- (a) Location of the site and materials compound including area identified for the storage of construction refuse;
  - (b) Details of site security fencing and hoardings;
  - (c) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (d) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained;
- (i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:-
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and



- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. 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.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**