



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0599

Appeal by Evelyn Burke of 9 Addison Road, Fairview, Dublin against the decision made on the 12th day of February, 2020 by Fingal County Council to grant subject to conditions a permission to Cosgrave Developments 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: Removal of an existing permitted mezzanine (circa 585 square metres) at first floor level and change of use of the ground floor (circa 653 square metres), from retail warehouse to commercial leisure, specifically an indoor activity centre with ancillary café and all associated works at Unit C7, Gulliver's Retail Park, Northwood Avenue, 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 the planning history and pattern of development within Gulliver's Retail Park, to its location on lands zoned for ME (Metro Economic Corridor) uses and within a designated Level 4 retail centre and to the detailed policies and objectives of the Fingal County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the character and amenities of the area, or to public health and 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 particulars received by An Bord Pleanála on the 8th day of April, 2020, 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 change of use from retail warehouse to commercial leisure, specifically an indoor activity centre with ancillary café, in Unit C7 for a period of seven 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. Prior to 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 C7, 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).

Windows shall comprise clear glazing and shall be devoid of any window graphics.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

5. Parking arrangements to serve the unit shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public safety.

6. The hours of operation shall be between 0800 hours and 2000 hours Monday to Sunday inclusive.

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

7. (a) The noise level from the unit shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive residential location between 0800 and 2000 hours, Monday to Sunday inclusive, and shall not exceed 45 dB(A) at any other time.

(b) No music or other amplified sound shall be broadcast externally. Noise emanating from the premises shall be such as not to cause nuisance to the occupants of adjacent properties and users of the public road.

- (c) Audible tonal or impulsive components shall be minimised at any noise sensitive location.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenities and orderly development.

- 8. (a) The construction of the development including the demolition of the mezzanine floor 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 noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 0700 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. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 and, in particular recyclable materials, in the interest of protecting the environment.

11. 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.

Dave Walsh

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

Dated this day of 2020