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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW22A/0152**

**Appeal by** The Village Estate Residents Association care of Ross Croft of 90 The Village, Porterstown, Clonsilla, Dublin and by Marie McCartney and Declan Sherlock of 166 The Village, Porterstown, Clonsilla, Dublin and by Aldi Stores (Ireland) Limited and Anne O'Neill care of O'Connor Whelan Limited of 222 to 224 Harold's Cross Road, Dublin against the decision made on the 12<sup>th</sup> day of January, 2023 by Fingal County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited and Anne O'Neill in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) Construction of a two-storey commercial block fronting Weaver's Row, incorporating a foodstore measuring 2,500 square metres gross (1,315 square metres net), with ancillary off-licence sales area, at first-floor level over under croft car parking, including an external service area; associated signage consisting of two internally illuminated fascia signs (5.11 square metres and 5.11 square metres), one number illuminated fascia sign 1.79 square metres, one number double sided internally illuminated pole sign to include opening hours with a total area (front and back) of 10.22 plus a smaller sign below of 2.7 square metres (front and back); (2) Construction of

three number ground retail units (279.3 square metres gross floor area, 182.5 square metres gross floor area, 150 square metres gross floor area); (3) Construction of 72 number dwellings (four number one-bed units, 37 number two-bed units, 31 number three-bed units) comprising 44 number apartments (14 number three-bed units, 30 number two-bed units, 28 number three-bed units) comprising 14 number apartments (Block 1: four storeys contained four number one-bed units, seven number two-bed units, two number three-bed units; Block 2: two-storey containing two number two-bed units; Block 3: two-storey containing two number two-bed units; Block 4: two-storey containing two number two-bed units; Block 5: two-storey containing two number two-bed units; Block 6: two-storey containing two number two-bed units; Block 7: two-storey containing two number two-bed units; Block 8: three-storey containing nine number two-bed units; Block 9: three-storey containing nine number two-bed units; and 28 number three-bed houses, all three-storey; (4) 191 number car parking spaces (83 number commercial and 108 number residential); (5) 326 number cycle spaces (87 number commercial and 239 number residential); (6) Revised access off Weaver's Row and a new vehicular access off Weaver's Row; (7) Demolition of semi-derelict former dwellings on part of the site totalling 109.4 square metres; (8) All landscape, boundary treatment and site development works. All at Weaver's Row, Clonsilla Road, Clonsilla, 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.**



## Reasons and Considerations

Having regard to the site's 'Town Centre' zoning objective, as set out in the Fingal County Development Plan 2023 - 2029, to its location within an existing urban area, 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 residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, 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 plans and particulars submitted on the 1<sup>st</sup> day of December, 2022, 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. The proposed development shall be amended as follows: -

- (a) Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, a revised layout in which the apartment block (duplex unit) and three adjoining house-type A units, including ancillary car parking, all at the south-east corner of the of the site, shall be omitted in order to provide a future permeable link to The Village development that is passively overseen and safe. Any proposal for residential use on these lands, incorporating the proposed pedestrian route, shall be the subject of a new planning application to the local authority.
- (b) A minimum of 200 square metres of communal open space, which is of high-quality design, easily accessible, overlooked and conveniently located for use of residents shall be provided within the scheme. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenity and to secure the integrity of the proposed development.

3. The developer shall provide a pedestrian crossing facility/Toucan Crossing and all associated works on Clonsilla Road at the developer's own expense. Prior to commencement of development, the location, design/construction and specification of this crossing shall be agreed in writing with the planning authority. The crossing facility shall be in place and operational prior to the occupation of the development.

**Reason:** In the interest of pedestrian safety.



4. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access.
- (b) Prior to the occupation of any residential unit, the developer shall ensure that the public open spaces, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

**Reason:** In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.

5. Prior to commencement of development the applicant shall carry out a tree survey and shall submit for the written agreement of the planning authority, a proposal to retain existing trees, shrubs and vegetation within the site, where feasible.

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

6. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority, details of the number and location of bicycle parking spaces to be provided within the scheme.

**Reason:** In the interest of residential amenity and to promote sustainable travel.



7. Prior to commencement of development the applicant shall agree in writing with the planning authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, 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 retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

9. The boundary planting and areas of communal open space and public open space shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before the nursing home is made available for occupation.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.



10. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

11. Deliveries to the retail units shall be restricted to between the hours of 0600 and 2200 from Mondays to Saturdays inclusive and between the hours of 0700 and 2000 on Sundays and public holidays.

**Reason:** To protect residential amenity.

12. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.





13. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles

14. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

15. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.





16. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

17. 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.

18. 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.

19. The developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

**Reason:** In the interest of public health.

20. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of public health and surface water management.

21. 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.

22. 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 and, in particular recyclable materials, in the interest of protecting the environment.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects," published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

24. 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.

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. Prior to the commencement of the development of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, that restricts any such residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.



27. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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 satisfactory completion and maintenance of the development until taken in charge



29. 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.





30. The developer shall pay to the planning authority a financial contribution of €565,767.79 (five hundred and sixty-five thousand, seven hundred and sixty-seven euro and seventy nine cents) in respect of the Clonsilla to Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



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**Joe Boland**

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

Dated this *19<sup>th</sup>* day of *December* 2023.