

An  
Bord  
Pleanála

## Board Order ABP-316184-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F22A/0422**

**Appeal** by Degaemad Developments Limited care of Ger Fahy Planning of Mulhussey, Maynooth, County Kildare against the decision made on the 8<sup>th</sup> day of March, 2023 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing storage warehouse and construction of a replacement storage warehouse at the same site location. The extension and upgrading of cladding on existing storage shed associated with the existing light industrial building and removal of existing towers and silos also associated with the light industrial building. Proposed minor internal changes and additional rooflight windows to the existing office/trade counter building and provision of dedicated staff and customer parking, delineation of loading and unloading set-down areas for HGVs, building signage and all associated site and development works, all at McComish, Fosterstown South, Cloghran, Swords, County Dublin.

## Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to AMEND condition numbers 3 and 4 so that they shall be as follows for the reasons set out.

3. The developer shall comply in full with the following:
  - (a) Operating hours shall remain between 7:00am and 6:30pm.
  - (b) The customers' opening time shall remain between 7:30am and 5:30pm.
  - (c) The business shall not be open to the general public and no materials shall be sold to the general public on site.


**Reason:** To ensure that the development shall be in accordance with this and previous permissions, and that effective control be maintained.

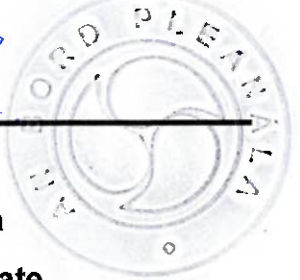
4.
  - (a) The use of the development shall be confined to that use granted under planning register reference number F98A/0166.
  - (b) Any change of use, subdivision or amalgamation, whether or not such change or subdivision would otherwise constitute exempted development under the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended, shall not be undertaken without a prior grant of permission.

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

## Reasons and Considerations

Having regard to the works proposed and having regard to the permission granted under planning register reference number F98A/0166, it is considered that condition numbers 3 and 4, as amended, would be appropriate and in accordance with the proper planning and sustainable development of the area.

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



Dated this *7<sup>th</sup>* day of *March* 2024.