



An  
Bord  
Pleanála

## Inspector's Report ABP-303612-19

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<b>Development</b>	The temporary partial change of use for 10 years of 495 sq.m. net floor area within Unit C9 from retail warehouse to general retail and all associated works on a 0.084 ha site.
<b>Location</b>	Unit C9, Gullivers Retail Park, Northwood Avenue, Santry Demesne, Santry.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F18A/0639
<b>Applicant(s)</b>	Cosgrave Property Developments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Karl Philpott
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> of May 2019
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The appeal site lies c.450m south east of junction 4 of the M50, c.200m to the east of the Ballymun Road (R108) and c. 120m east of Old Ballymun Road. It is situated c.1.5km north east of Ballymun town centre, within the former Santry Demesne. Gulliver's Retail Park is accessed via a roundabout close to the entrance to Northwood Avenue and the junction with the Ballymun Road.
- 1.2. The subject site (0.084ha) is located in Unit C9 which is a retail unit located on the northern side of Gulliver's Retail Park and is one of a number of units in a 'L' shaped terrace therein. There are 10no. units within the Retail Park of different sizes. These comprise a mix of retailers including Homebase, Lidl, furniture retail, kitchen retailers and a pet store. The subject site is currently occupied by 'The Furniture Liquidator' and the interior is not sub-divided or fitted out and contains furniture for sale. Adjacent units include 'Sports Surgery Clinic' and 'Eco Interiors'.
- 1.3. Access to Gulliver's Retail Park is via Northwood Avenue. Separate delivery access is provided off Old Ballymun Road. There is a roller shutter access door in the rear of the unit. There is a large parking area for the Retail Park in front of the units. Pedestrian and cyclist access is provided to the site from adjacent footpaths and cycle lanes. There is a drive thru McDonalds and some shops/restaurants to the south on the opposite side of the Retail Park. Bridgefield residential apartment block development is under construction to the east of the Retail Park.

## 2.0 Proposed Development

- 2.1. This is to consist of the temporary partial change of use for 10 years of 495sq.m net floor area within Unit C9, Gulliver's Retail Park, Northwood Avenue, Santry Demense, Santry from retail warehouse to general retail and all associated works on a 0.084ha site.
- 2.2. A Planning Report by RPS has been submitted with this application.
- 2.3. A letter has been submitted to confirm that the owner of the lands is Cosgrave Property Group and that they give consent for this application to be made on the subject lands.
- 2.4. A Site Layout Map, floor plans and elevations have been submitted.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 10<sup>th</sup> of January 2019, Fingal County Council granted permission for the proposed development subject to 7no. conditions.

- Condition no.2 restricts this to a 10year temporary permission.
- Condition no.3 provides a restriction on advertising signage.
- Condition no.4 provides a restriction on hours of operation.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy and to the inter-departmental reports and the submissions made. Their Assessment included the following:

- Issues identified include the Transitional nature of the area until the Metrolink is operational, the current occupier of this unit has not fitted out the unit internally and its use is on an ad-hoc basis.
- The applicant has outlined the range of goods that may be sold from this unit and this is acceptable in terms of the ME zoning objective. It is accepted that there is a conflict in the ME zoning regarding the current use and that fact that Retail Warehouse is not listed as 'Not Permitted'.
- They note that the Transportation Planning Section has reported no objection to this development as there is adequate car parking in the area.
- No alterations are proposed to the front elevation and signage will be located as where permitted under Reg. Ref.F08A/0161.
- They note that the Water Services Section has no objection and Irish Water has no objection subject to conditions.
- They do not consider that the proposed development will impact negatively on adjoining lands or on the new residential units in the area.

- The proposed development will not be likely to have a significant effect individually or in combination with other plans or projects on any European Sites in the vicinity.
- They recommended that permission be granted subject to conditions.

### 3.3. Other Technical Reports

*The Council's Transportation Planning Section* notes that there is no additional parking demand associated with the proposed change of use. They provide that the existing shared car park for the retail park has capacity to account for the parking demand of the proposed development. They have no objection to the proposal.

*The Water Services Development* has no objections.

### 3.4. Prescribed Bodies

*Irish Water* does not object to the proposal subject to recommended conditions.

### 3.5. Third Party Observations

A Submission has been received from the subsequent Third Party Appellant and is considered in the context of the Grounds of Appeal below.

## 4.0 Planning History

The Planner's Report and the Planning Report submitted with the application and the RPS First Party response to the grounds of appeal note the extensive planning history of Gulliver's Retail Park, the units therein and relevant to the subject site.

The following are particularly relevant to the subject site:

- Reg.Ref. F16/0288 – Permission granted subject to conditions by the Council for the sub-division of retail warehouse unit C9/C10 (1,721sq.m) into two units. C9 (852.4sq.m) and C10 (859sq.m); new mezzanine to the front and rear of Unit C10 (259sq.m) to provide a total unit area of 1,117sq.m, temporary change of use of Unit C10 from retail warehouse to sports medicine clinic for a 5 year period and all associated site works.

- Unit C9/C10 – F11A/0065 – Permission granted by the Council and subsequently by the Board (PL06F.238934 refers) to combine existing retail units C9 and C10 to form one unit and the construction of a mezzanine level above new combined unit at Units C9 and C10 Gulliver’s Retail Park. Condition no. 2 restricted the range of goods to ‘bulky goods’ (as defined in Annex 1 of the Retail Planning Guidelines 2005).

*Other proximate sites*

- It is also noted that Reg.Ref. F17A/0068 (ABP. Ref.PL06F.248880) permission was granted for a Temporary change of use for 10 years of retail warehouse unit C2/C3 (1,710sq.m) to a licenced supermarket at Unit C2/C3, Gulliver’s Retail Park.
- Reg.Refs. 15A/0440 and F18A/0205 refer to recent permissions relative to proximate residential development.

Note is also had to the History Documentation submitted in the History Appendix to this Report.

## **5.0 Policy and Context**

### **5.1. National and Regional Guidelines**

Relevant national and strategic policy documents, relevant to this appeal include:

- Retail Planning Guidelines for Planning Authorities, 2012.
- Retail Strategy for the Greater Dublin Area, 2008-2016.

### **5.2. Fingal Development Plan 2017-2023**

*Zoning*

The site is in the Fingal South Zoning Map, Sheet 11 refers. It is zoned ‘ME’ - Metro Economic Corridor and is shown within the Masterplan Area ‘MP11 E’. Table 6.3 refers. There is an area of OS Open Space to the north of the site and an Indicative Cycle/Pedestrian Route to the south of Gulliver’s Retail Park. The Indicative Route for the New Metro North and proposed Metro Stop lies to the north west of the Retail

Park as do local objectives points 92 and 93. The site is within the Outer Airport Noise Zone.

The Metro Economic (ME) zoning is a specific zoning created to respond to the provision of the Metro rail connection from Dublin City to Swords via Dublin Airport. The purpose of the zoning is to facilitate opportunities for high density mixed use employment, commercial and residential along and adjacent to the Metro route through the County. The ME zoning is one of the largest economic development zonings in Fingal with 390 ha of ME zoned lands located principally in Santry/ Ballymun and in strategic locations in the Swords area, including the strategic land bank at Lissenhall.

The Vision for this land use zoning seeks to: *Provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential development which focuses on the Metro within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high quality green landscape.*

Objective ED99 seeks to: *Protect the integrity of the Metro Economic corridor from inappropriate forms of development and optimise development potential in a sustainable and phased manner.*

#### *Placemaking*

Chapter 3 refers to Placemaking and includes Objective PM34: *Locate different types of compatible land uses e.g residential, employment, local retail, tourism and daily service needs close together, so as to encourage a greater emphasis on the use of sustainable transport modes.*

Objective PM35 seeks to: *Encourage a mix of uses in appropriate locations, e.g. urban centres, village centres, and neighbourhood centres.*

#### *Masterplans*

The Development Plan states that masterplans will be prepared for identified areas as a means of guiding new development and providing essential social and physical infrastructure in a phased and sustainable manner (Objective PM14 and PM15 and Objective SANTRY 5, Z03)

Chapter 4 concerns Urban Fingal and Objective Santry 5 seeks to: *Prepare and implement a Masterplan for lands identified at Northwood (see Map Sheet 11,*

MP 11.E) during the lifetime of this Plan. This Objective includes connectivity to the proposed Northwood Metro Stop.

### *Retail*

Chapter 6 concerns Economic Development - Section 6.8 of the Plan sets out policies and objectives in respect of the retail sector. Policy objective ED36 seeks to ensure that policies in relation to type, quantum and locations of retail floorspace provision are consistent with the requirements regional policy frameworks and national planning guidelines. Table 6.1 sets out the hierarchy of retail floorspace in the county. It includes Santry Demesne as a Level 4 'local centre' and policy objectives ED45 to ED47 apply. Objective ED 52 seeks to support measures to address vacancy. (see attachments)

### *Signage*

Objective DMS11 seeks to: *Evaluate signage proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed, the number and size of signs in the area (both existing and proposed) and the potential for the creation of undesirable visual clutter.*

## **5.3. Natural Heritage Designations**

The appeal site lies in an urban area and is substantially removed from any Natura 2000 sites. Nearest sites of nature conservation interest lie c.350m to the north east of the site and comprises Santry Demesne, proposed Natural Heritage Area (site code 000178). It is afforded protection under policy objective NH16 of the Plan (see attachments).

## **5.4. EIA Screening**

5.5. Having regard to the nature of the proposed development and taking into account the existing commercial development on this site, the serviced nature of the site, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A Third Party Appeal has been submitted by a local resident Karl Philpott and his grounds of appeal include the following:

- The proposed material change of use to the existing retail warehouse is not in keeping with the original planning for the retail park. Currently Gulliver's Retail Park houses Homebase, Home Focus, Eco Interiors, Furniture etc. The proposed changes to Unit 9 to sell toys, drinks, bulky plastics, party supplies, stationary, hobby supplies, electronics, etc is not in keeping with the existing units which currently have overlapping customers.
- Gulliver's Retail Park is solely a commercial park adjacent to the M50, due to its location there is very little to no foot traffic as its stores are mostly destination shops. The proposed development is not likely to bring any additional clientele to the existing stores and would be better suited to a more compatible park.
- The changes are aimed to facilitate the proposed development in surrounding area, however there is already an existing local store to offer daily essentials and other similar products less than 100m outside the park.

### 6.2. Applicant Response

RPS have submitted a First Party response to the Grounds of Appeal on behalf of the Applicants. This has regard to the Site Context and to the Proposed Development. Note is had of the Temporary Permission, Planning Policy, Consideration of Planning History. Their response to the Grounds of Appeal includes the following:

#### *Retail Park*

- They have regard to Retail Policy in the Fingal DP and provide the proposed change of use from retail warehouse to general retail complies with this.



- The orientation and layout mean the local retail centre shops and the retail warehouse unit operate as one unified retail centre with a variety of retail types operating within.
- The proposed development complements the existing provision and is an appropriate expansion of the retail mix.

#### *Viability of Proposed Retail Store*

- They have regard to Objective ED52 in the Development Plan which recognises the negative impacts of vacant retail units and the need to address this issue.
- A key objective of this change of use is to address the risk of vacancy and ensure that the unit is properly fitted-out, occupied and operational and thereby adding to the retail mix and vibrancy of Santry Demesne/Northwood.
- They consider that the proposal will attract a significant level of footfall from the growing employment and residential area and note sustainable transport options.
- The proposed development will provide general retail directly adjacent to a Level 4 Centre which will serve the growing residential and working population in the area and strengthen existing retail provision.

#### *Existing Retail Provision*

- There is a requirement that the retail mix in the area grow in scale and range appropriately considering the growth of Santry Demesne.
- Details are given of the proposed range of goods to be sold within the store.
- They provide that there is a very limited overlap between the proposed development and the existing Eurospar.
- The range of goods will serve the growing living and working population within Northwood/Santry Demesne.

#### *Conclusion*

- They conclude that the proposed change of use represents a high quality development of an underutilised retail unit at Gulliver's Retail Park.

- The proposal is in line with policy objectives for a Level 4 Centre meeting the local shopping needs of local residents.
- It will expand retail offer and promote the viability and vibrancy of Gulliver's Retail Park and Gulliver's Local Centre.
- The temporary nature of the proposal will ensure that it does not prejudice the medium to long term development of the area with MetroLink in place post 2027/2028.
- They request the Board to grant permission for this proposal which they consider fully accords with the statutory land use planning policy and will facilitate the proper planning and development of the area.

### 6.3. Planning Authority Response

Their response provides that the comments of the Third Party appeal submission are noted and no new issues have been raised in addition to what was submitted in the letter of objection. As stated in the Planning Report there has been a history of vacancy in this area and retail provision is changing having regard to the significant development of residential units in the immediate vicinity. The revision to part of the floor area of this unit will not negatively impact on the amenity of the area.

They request the Board to uphold their decision. They request a condition requiring a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme be included.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. The subject site is zoned 'ME – Metro Economic Corridor' with a stated Objective to: *Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.*
- 7.1.2. The Zoning Objective for 'ME' Metro Economic Corridor, provides that Retail Convenience/Comparison less than 500sq.m net floor area (NFA) is permitted in

principle as is a retail supermarket less than 2,500sq.m. Retail Comparison greater than 500sq.m or a Retail Superstore greater than 2,500 is listed as not permitted. In this respect it is also noted that a Retail Warehouse or a Retail – Factory Outlet is also listed as not permitted within the ‘ME’ zoning.

- 7.1.3. The First Party provides that the proposed a change of use from Retail Warehouse to General Retail for 495sq.m NFA within an existing unit is permitted in principle under the zoning objective. They submit that the improvement to the local retail offer at this location is consistent with the zoning objective and vision for these lands and in particular the Council’s Objectives PM34 and PM35 as noted in the Policy Section above. Also, that the proposed development, facilitating general retail use of 495sq.m in NFA accords with the functions prescribed for a Level 4 Centre in the Development Plan.
- 7.1.4. Table 6.1 of the Fingal Development Plan provides the Fingal Retail Hierarchy. Santry Demesne is included in Level 4 – Local Centres. Objective ED47 seeks to - *Ensure that the Level 4 Small Towns, Village Centres and Local Centres have a retail offer that is sufficient in terms of scale, type, and range without adversely impacting on or diverting trade from the higher order retailing locations.*
- 7.1.5. The Retail Planning Guidelines 2012 notes as part of a key message that: *A range of caps on the size of convenience and retail warehouse stores is required to ensure both competitiveness in the retail sector and strong city and town centres.* The Guidelines also provide: *A retail park comprises an agglomeration of retail warehouses grouped around a common car park selling mainly bulky household goods, requiring extensive areas of showroom space, often with minimal storage requirements.* Note is made of the type of goods to be sold and Annex 1 of the Guidelines provides definitions of bulky goods. It is noted that this defines a Retail Warehouse as: *A large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers.*
- 7.1.6. It is of note that the matrix in the Development Plan, relevant to the ‘ME’ zoning provides that a Retail Warehouse is not permitted in principle and the current use of the unit and of some of the other units within Gulliver’s Retail Park is for retail warehousing. However, regard is had to the precedent set by the change of use of some of the other units including to Lidl and to the temporary nature of the site relevant to the future provision of Metro North.

7.1.7. Note is had of the Third Party concerns, including relative to the range of goods to be sold not being in keeping with the original permission relative to the Retail Park. Regard is also had to the extensive planning history, retail uses and to the proposed change of use and the impact of the proposal on the character and sustainable development of the area in this Assessment below.

## **7.2. Regard to Planning History**

7.2.1. Reference is made of a larger masterplan area of 19.8 hectares where planning permission was granted for a mixed-use development in 2005 under Reg. Ref. F04A/1562. The permitted masterplan comprises modern business, enterprise and commercial facilities consisting of c. 77,016sq.m. Completed elements of the masterplan include a retail park (Gulliver's Retail Park), 2no. of the 4no. business units ( Swift Square Office Park) and the Local Retail Centre. The Planning Report submitted provides further details and planning history of the overall extent of the permitted masterplan which includes the road network in the area. It also provides details of the extensive planning history relative to Gulliver's Retail Park.

7.2.2. Gulliver's Retail Park is one element of the development permitted under the 2005 permission. Condition no. 2 of the parent permission is of particular relevance relevant to the restriction of use of the retail warehouse units to the sale of bulky items of non-food, non-clothing goods. It is noted that amendments to the parent planning permission with respect to Gulliver's Retail Park have tended to facilitate the evolving retail market and particular tenant requirements. Details are given of such in the Planning Report submitted with the application.

7.2.3. It is noted that in view of the recession development slowed down and an extension to the duration of permission was granted in 2009 and in 2014 permission was granted for another extension of duration up to the 1<sup>st</sup> of March 2020 (Reg.Ref.F04A/1562/E2).

7.2.4. It is provided that a review of planning decisions pertaining to Gulliver's Retail Park shows that full occupation of the park has been challenging to achieve. There has been ongoing change and evolution in the retail mix at Gulliver's Retail Park including a supermarket and a sports medicine clinic. The First Party consider that such evolution is likely to continue. As permitted by the land zoning ME- Metro

Economic Corridor, there has been increasing acceptance of a wider range of uses and occupants within the Park. The Retail Park and the adjacent neighbourhood centre including McDonalds have effectively come to function as a single retail centre with a range of facilities commensurate to a Village Centre to cater for adjoining employment and residential uses. It is noted that recent and anticipated future planning applications proximate to Gulliver's Retail Park and Local Centre will facilitate a considerable increase in the local living and working population.

### **7.3. Justification for Proposed Change of Use**

- 7.3.1. It is provided by RPS that the proposed change of use of 495sq.m of retail warehouse within unit C9 to general retail provides the appropriate retail facilities to support the development of Santry Demesne in accordance with the ME land use zoning objective and the proper planning and development of the area. The mix of retail warehouse within one store is consistent with contemporary retail formats in homeware, DIY, lifestyle and sport/activity stores which are moving towards a coherent mix of customer goods consistent in their function and purpose rather than the physical size of goods sold. Goods to be sold within the store consist of general household and lifestyle goods which include both convenience and low order comparison retail products. Details are given of typical type goods to be stocked in Section 4.0 of the Planning Report. It is provided that the range of goods to be stocked will form an addition to the existing retail mix provided at this location. Also, that the range of goods will serve the growing living and working population.
- 7.3.2. Currently the unit is used by The Furniture Liquidator to store/show furniture for sale. It is not subdivided in any way as is shown on the Existing Ground Floor Plan (it is also noted that there is no mezzanine level or separate storage area at the rear.). The Planning Report provides that the subject site was completed and ready for letting in October 2008. The unit was eventually occupied by The Furniture Liquidator in 2012 and has been occupied by them (on and off) since then on a temporary licence arrangement. As a result the unit has never benefitted from a proper fit out and there is an ongoing risk that the unit may be vacated.
- 7.3.3. While the unit is not currently vacant they provide that its use is tenuous and this proposal will address the issue of retail vacancy in accordance with Objective ED52 of the Development Plan and that a key objective of the applicant in seeking this

change of use is to address the risk of vacancy and ensure that the units are properly fitted out. It will be occupied and operational thereby adding to the retail mix and vibrancy of Santry Demesne/Northwood.

#### **7.4. Proposed Change of Use - Design and Layout**

- 7.4.1. This proposal is for a temporary partial change of use of 495sq.m net floor area within Unit C9 from retail warehouse to general retail and all associated works on a 0.084ha site. The proposed division of retail type and indicative fit out of Unit C9 is shown on Figure 4.1 of the Planning Report submitted. It is provided that the proposed store will be a medium sized store of 740sq.m NFA with a range of products which will serve the local everyday needs of the resident and working populations. The proposed retail unit will consist of a general retail of 495sq.m NFA and a retail warehouse of 245sq.m NFA. The proposed floor plan shows the gross internal area of Unit C9 is 850.14sq.m. This area is entirely used by The Furniture Liquidator at present. The proposed Change of Use has a Net Floor Area (NFA) of 495.5sq.m and is shown hatched yellow with indicative layout of aisles.
- 7.4.2. The First Party response to the appeal notes that the mix of general retail and retail warehouse within one store is consistent with contemporary retail formats in homeware, DIY, lifestyle and sport/activity stores which are moving towards provision of a coherent mix of consumer goods consistent in their function and purpose rather than the physical size of goods sold. Details are given of the range of goods to be sold and in general these are not bulky goods as listed in Annex 1 of the RPG 2012.
- 7.4.3. It is noted that the proposed Ground Floor Plan for Unit C9 includes an area hatched red described as 'Existing Use Unchanged (retail warehouse use) – NFA, 244.52sq.m. It also includes a new Storage Area at the rear – NFA 108.60sq.m. Details regarding the subdivision of the unit have not been given. If the existing use were to remain unchanged within the smaller retail warehouse floor area that would imply different uses within the unit, which would be unworkable and unacceptable. I would recommend that if the Board decide to permit that it be conditioned that the use of the unit be solely restricted to one user and not be sub-divided to allow for a separate use and that details of any internal subdivisions within the unit be submitted

for the written agreement to the Planning Authority prior to the commencement of the use. Otherwise it could lead to confusion and a lack of clarity.

- 7.4.4. The existing Retail Park has a high-quality stone finish. There are no changes proposed to the external appearance of the unit and the focus is to be on a high quality, efficient store layout and enhanced experience for the shopper. It is also provided that new replacement signage will be of a high quality and will conform with the signage zone previously permitted under Reg.Ref. F08A/0161. The design and detail of the elevations is shown in the drawings submitted with the application. It is recommended that if the Board decide to permit that it be conditioned that details of any changes to the external advertisement signs be submitted prior to the commencement of development for the written agreement of the Planning Authority.

## 7.5. Access and Parking

- 7.5.1. The proposed development is served by the existing vehicular access to the Retail Park. The Planning Report notes that Gulliver's Retail Park is served by approx. 625 no. parking spaces. Given the high level of existing parking and the low level of utilisation, the requirement for the proposed development, which will not provide any additional floor area, can be accommodated without the provision of additional parking spaces.
- 7.5.2. It is envisaged that the proposed use will generate minimal additional vehicle trips as many of those accessing the store will be linked trips where customers are also accessing other facilities within the Retail Park and the Local Centre. It is also noted that there is a dedicated delivery access to all units within the Retail Park via the Old Ballymun Road to serve the development. It is noted that the Council's Transportation Planning Section does not object to the proposal.
- 7.5.3. There are existing pedestrian facilities connecting the site with footpaths to Northwood Avenue and to the wider pedestrian network in the area. It is provided that pedestrian connectivity will be further enhanced throughout Northwood with the completion of residential development permitted under Reg.Ref. F15A/0440, as amended. It is noted that there is a considerable amount of residential apartment units being constructed adjacent to the Retail Park.

7.5.4. A dedicated cycle access to Gulliver's Retail Park is in place. This access connects with the two-way dedicated cycle path running alongside Northwood Avenue from Old Ballymun Road to the R132 Swords Road. It is noted that these local and pedestrian routes are of importance for permeability. Details are also given relative to sustainable transport of a number of bus routes serving the area.

## 7.6. **Temporary Permission - Regard to Metro North**

7.6.1. The Planning Report provides that the justification for the 10 year temporary permission and notes that Northwood and Santry Demense is an area that will undergo significant change in the coming years. A key determinant of this change will be the delivery of MetroLink, the operation of which is scheduled to commence in 2027. MetroLink is to provide a new rail line between Swords and Charlemont in Dublin City Centre, at which point it is to link with the route of the existing Luas Green Line which is to be upgraded. The Emerging Preferred Route has been published. While the location of the planned Northwood Station has not been finalised it is expected to be located approx. 120-400m from the subject site depending on which of the two options identified are selected.

7.6.2. It is provided that on commencement of services there will then be an opportunity for the applicant and the planning authority to consider the future use of the subject site in the changed context associated with Metro services as the proposed change of use is for a temporary (10 year) permission. The Planning Report provides that the proposed development will in no way limit or prejudice the planning of Metrolink and the temporary 10 year permission sought gives further assurance to the planning authority that the use of the subject unit can be reconsidered in tandem with the scheduled commencement of Metrolink services in 2027.

7.6.3. It is considered that the precedent has been set for this type of change of use from a retail warehouse, having regard to the Lidl store and some of the other current retail type uses in the retail warehouse units within Gulliver's Retail Park. However, the proposed change of use would not normally be considered desirable or permitted in principle having regard to the scale and potential use of the total floor area of the unit, in the context of the 'ME' land use zoning. Regard must be had however to the temporary nature of the proposed use in the context of the development of Metro North as noted in the Development Plan and the relevant section of this Report.



## 7.7. Development Contributions

- 7.7.1. It is noted that Fingal County Council request that the Board should they decide to permit include a Development Contribution condition (under Section 48, Planning and Development Act 2000, as amended). Regard is had to Section 10 *Exemptions and Reductions* provided for within the Fingal Development Contributions Scheme 2016-2020. Section 10(i)(n) provides exemption for: *Internal layout alterations where no additional floor area is created and external walls are not being removed.*
- Section 10(i)(r) for: *Change of use applications are exempt unless the revised usage constitutes a substantial intensification of use of the building or services.*
- 7.7.2. It could be argued that while it is not proposed to provide additional floor space that the proposed use which encompasses general retail will intensify the use of the existing retail warehouse unit. However, it is noted that the Board did not include a Section 48 Development Contributions condition relevant to Ref.06F.248880, which concerned the temporary change of use from retail warehouse to what is now the Lidl store.
- 7.7.3. It is also noted that development contributions were levied relative to the parent permission as originally permitted for Gulliver's Retail Park. In view of the above and the temporary nature of the proposed development I would not consider it appropriate to include a Section 48 development contribution condition in this case.

## 7.8. Screening for Appropriate Assessment

- 7.8.1. The Planning Report submitted provides that an AA Screening exercise notes that the change of use from retail warehouse to general retail is not connected with or necessary to the management of any designated European Site. It is provided that the proposed development will not individually or in combination with other plans and projects have a significant effect on a European Site.
- 7.8.2. The proposed development comprises the change of use of an existing commercial unit within a serviced development. Consequently, it is not considered that appropriate assessment issues arise or that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on any European site.

## 8.0 Recommendation

- 8.1. I recommend that a temporary permission be granted subject to the conditions below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the temporary nature, and limited scale of the proposed change of use development, its location on lands zoned for ME 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 County Development Plan, be consistent with the policies and objectives of the Retail Planning Guidelines and 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.

## 10.0 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. (a) Details of the occupant and internal subdivision of the unit i.e. between general retail and retail warehouse shall be agreed in writing with the Planning Authority prior to the commencement of the use.

(b) No amalgamation of units or subdivision of the unit to allow for another user shall take place without a prior grant of planning permission.

(c) This order shall not be construed as granting permission for any additional floor areas at "mezzanine level" within the buildings hereby permitted. No mezzanine floor development shall be carried out without a further grant of planning permission.

**Reason:** In order to control the intensity of development in the interest of residential amenity and ensuring that adequate car parking and service facilities will be provided.

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

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

5. 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 residential amenities of property in the vicinity.

6. 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.

7. 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.

8. 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.

9. 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.

10. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interests of amenity.

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Angela Brereton  
Planning Inspector  
31<sup>st</sup> of May 2019