



An  
Bord  
Pleanála

## Inspector's Report

**ABP-303920-19**

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<b>Development</b>	Change of use from warehouse to Enterprise Centre
<b>Location</b>	Unit 6 Abbey Business Park, Baldoyle Industrial Estate, Dublin 13
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F18A/0711
<b>Applicant(s)</b>	Karen McElhinney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Karen McElhinney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> of June 2019
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The application site is located with Abbey Business Park, Baldoyle Industrial Estate, Dublin 13. It is accessed via Grange Road/Drive. There is a mixture of units in the Baldoyle Industrial Estate, developed primarily in the 1970s and 1980s. The subject Unit no.6 is located at the northern end and is of one of two separate parallel two storey blocks (built c.2000) comprising the various units within Abbey Business Park.
- 1.2. Unit no.6 currently comprises a mixed-use office /warehouse facility. While established there is no record of the office use being permitted. There are two dedicated parking spaces in front of the unit and a locked side gate provides pedestrian access to the side and rear of the block. There is a pedestrian door accessing the warehouse area at the rear.
- 1.3. The western boundary of the site is bounded by a palisade fence. There is green area that appears as open space outside the site to the west of this. There is a wall and palisade fence along the northern site boundary with the larger scale industrial units to the north. There is also a green strip to the east of the block of units on the opposite side of the internal cul-de-sac road. There is a mixture of uses with some office space above these units, particularly the eastern block. Abbey Park residential area forms the eastern boundary of the Abbey Business Park. There is also a palisade fence around the southern boundary of the site to the vehicular access from Grange Drive.
- 1.4. As shown on the colour coded Site Layout Plan the parking area is divided up with dedicated parking allocated to the various units. There are 27no. parking spaces to the south of the units which while shown as 'Shared Car Parking' on the Plan are sign posted as 'Visitor Parking' on the site.

## 2.0 Proposed Development

- 2.1. This is to consist of a change of use from warehouse (157sq.m) with ancillary offices (64sq.m) to Enterprise Centre containing office units with shared facilities (404sq.m) to include:
  - 1) The construction of new first floor in warehouse area;
  - 2) New window to front replacing loading bay doorway;

- 3) New window openings at ground & first floor level to side and rear elevations.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 11<sup>th</sup> of February 2019, Fingal County Council refused permission for the proposed development for 3no. reasons as follows:

1. The proposed development for a 400sq.m office development, by virtue of its location to the rear of a development of light industrial units and its scale of accommodation for 36no. desk spaces, would not be compatible with existing industry and general employment uses in the vicinity. As such to permit the proposed development would not comply with the vision for the GE zoning objective and would therefore materially contravene the Fingal Development Plan 2017-2023.
2. The applicant has failed to demonstrate to the Planning Authority that it can provide adequate levels of parking in accordance with Table 12.8 – Car Parking Standards of the Fingal Development Plan 2017-2023, as such the proposed development would contravene Table 12.8 of the Development Plan and represent a substandard form of office development, furthermore, the proposed parking demand, when taken in tandem with existing parking provision to serve occupiers of existing uses in the vicinity, would lead to parking on-street, on adjoining footpaths and verges such that it would lead to a traffic hazard for pedestrians.
3. The proposed development would set an undesirable precedent for substandard office development of a similar scale within the GE zoned lands.

### **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. Their Assessment included the following:

- The subject site is zoned under the objective GE-General Employment in the Fingal DP 2017-2023.
- The applicant has not clearly demonstrated how the proposed building would operate as an enterprise centre. It has not been demonstrated how this building would work or be managed.
- They consider that the proposed amendments would allow the unit to operate as an office building and would not be in accordance with the zoning matrix associated with the GE objective.
- The proposal would not be compatible with the light industrial uses in the locality and would undermine the GE zoning and other zonings where offices are more appropriate.
- They note that Objective Baldoyle 2 relates to the industrial estate and requires the preparation of a masterplan to improve the estate and guide future development, including intensification of employment.
- Notwithstanding the lack of a masterplan, that the subject site is located at a distance from the DART and a high quality bus provision such that it could not be considered appropriate for intensified uses.
- The on-site parking shortfall is noted as are the Transportation Planning Section comments.
- The report received from the Water Services Section notes no objection to the proposed development subject to conditions.
- The proposed development as a change of use application does not require an EIAR or AA.
- They conclude that they are open to the provision of an enterprise centre within Baldoyle Industrial Estate, subject to it being in an appropriate location, providing for a mix of spaces to facilitate differing types of enterprise, industries and commercial activities.
- They are concerned that to permit the proposed building for office use would not contribute towards the differing spatial requirements of the building or the GE – general employment zoning. It would provide for a substandard form of

development by way of significant under provision of car parking and as such would contravene policy and objectives in the Fingal DP and would be contrary to the proper planning and development of the area.

### 3.3. **Other Technical Reports**

#### Transportation Planning Section

They have concerns about lack of available on-site parking and recommended F.I to detail how the parking demand will be met.

#### Water Services Department

They have no objections

### 3.4. **Prescribed Bodies**

#### Irish Water

They have no objections subject to conditions.

### 3.5. **Third Party Observations**

The Planner's Report notes that there are no submissions or objections on file.

## 4.0 **Planning History**

The Planner's Report provides the history relative to Abbey Business Park and surrounds. It is noted that there is no specific planning history relevant to the subject site. Relevant history to the Abbey Business Park includes the following:

#### *Parent Permission*

- Reg.Ref. F98A/0539 – Permission granted for development of light industrial warehouse units in two blocks with associated site works, car parking etc on a site off Grange Drive, Baldoyle Industrial Estate (adjacent to Tosara Products Ltd, and no. 13 – no. 17 Abbey Park), Baldoyle, Dublin 13.

### *Units within Abbey Business Park*

- Reg.Ref. F03A/0418 – Retention permission granted for a condensing units and provision of louvered street cover to same to the rear of Unit 9, Abbey Business Park.

## **5.0 Policy Context**

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

#### *Economic Development*

Section 6.2 provides an Overview of the strategy for Fingal’s economic development and provides a summary of the five core elements. It also concerns Sustainable Economic Development and has regard to clustering approach for enterprise and employment location. Objectives ED01-ED09 refer to Sustainable Economic Development.

ED02 seeks to: *Ensure that there is a sufficient quantum of zoned lands to facilitate a range of enterprise development and a mix of employment creation across all business and industry sectors within Fingal.*

Table 6.3 presents the economic development zonings, the zoning objective associated with each, and the total amount of each zoning for the Plan period. This provides that the GE – General Employment Zoning has the greatest amount of such employment zonings i.e 1850ha.

#### *Land Use Zoning*

Section 11.8 provides the Zoning Objectives, Vision and Use Classes and this includes regard to the ‘GE’ General Employment land use zoning which is referred to in the Assessment below.

Section 11.4 refer to ‘*Transitional Zonal Areas*’ and seek to avoid uses that would be detrimental to the amenities of residential areas.

Local Objectives 102 and 104 seek to ‘*Provide a buffer zone of trees separating the industrial estate and the residential area of Abbey Park*’, with this provision referring to the *Baldoyle Industrial Estate*.

### Transport and Traffic

ED03 seeks to: *Ensure that economic development zonings are logically and coherently located to maximise upon infrastructural provision, particularly in relation to locating high-employee generating enterprise and industry proximate to high capacity public transport networks and links thereby reducing reliance on private car transport.*

ED04 seeks to: *Prioritise locating quality employment and residential developments in proximity to each other in order to reduce the need to travel, and ensure that suitable local accommodation is available to meet the needs of workers in the County.*

Table 12.8 refers to the Car Parking Standards

Offices – General 1space per 30sq.m of GFA (maximum) – reduce by 50% near PT, MEC, MC, TC.

Warehouse and distribution 1 space per 100sq.m of GFA (maximum) - reduce by 50% near PT, MEC, MC, TC.

Appendix 4: Technical Guidance Notes for Use Classes includes definitions i.e.

Office (subject to specified sizes in Fingal Development Plan, Chapter 11)

*A building in which the sole or principal use is the handling and processing of information and research or the undertaking of professional, administrative, financial, marketing or clerical work, and which may include services provided to visiting members of the public and includes a bank or building society but not a post office or betting office.*

Enterprise Centre: *The use of a building for small scale (starter type/micro-enterprise) industries and/or commercial services, usually sharing grouped service facilities.*

Warehousing: *A building or part thereof where goods are stored or bonded prior to distribution and sale elsewhere. It may provide for the storage of commercial vehicles where this is ancillary to the warehousing function.*

## 5.2. EIA Screening

5.3. 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

6.1.1. Vincent JP Farry and Co Ltd, Planning and Development Consultants have submitted a First Party Appeal on behalf of the Applicants. They have regard to the locational context of the site, planning history and policy relevant to the current application, and to issues of design and layout and parking. They include maps, drawings and photographs to demonstrate the application. The Grounds of Appeal include the following:

#### *First Reason for Refusal – Land Use*

- It is a common case between the parties that the appeal land is governed by the Council's General Employment (GE) zoning objective and that the site can be used for a variety of commercial activities.
- They consider that the proposal is satisfactory having regard to the zoning matrix (which allows for enterprise developments and offices of under 1000sq. m). Such small scale offices are not ruled out and are permissible in this zoning.
- They highlight the dicta of Flood J. in *Tom Chawke Caravans Ltd v Limerick County Council*: *It is obvious that there must be a degree of flexibility in the interpretation of zoning by the planning authority....*
- They note the extensive range of uses found in industrial estates. They do not consider that this proposal would be so injurious to the zoning objective that it should be denied planning permission.



- Premises in the Baldoyle Industrial Estate exhibit a larger scale than the starter type premises, such as the appeal unit in Abbey Business Park.
- They consider that the proposal would conform with the development concept of *Transitional Zoning Areas* and would protect residential amenities in proximity.

#### *Nature of Activity*

- The proposal satisfies the definition of an office building given in Appendix 4 of the Fingal DP 2017-2023.
- Office development is entirely acceptable on industrial land and they invite the Board to acknowledge its decision in Ref. PL06F.131366 in which it permitted a 20,528sq.m office proposal at Mulhuddart, Co. Dublin.
- They can identify no reason as to why the Council's assessment failed to accept that this proposal comprises an enterprise centre and is of a type which is permitted in principle on GE-zoned land under the current DP.

#### *Issues of Size*

- In considering the possibility that the entire premises may be occupied by a single company rather than by a number of separate tenants as planned, the Council is stressing what might happen rather than what is proposed.
- They draw support for this view from *Kelly v ABP High Court* (reference is given) when a decision to deny consent for a workshop was quashed on the basis that the Board had opined that the land could host other uses which were outside the ambit of this application.
- No part of the Council's analysis explains how the layout of the building which contains suites of separate offices and which share certain facilities, as contemplated in the definition of enterprise centre would differ from the layout drawings which were presented as part of the present application.

#### *Accessibility*

- The general area of this site within Baldoyle Industrial estate is accessible from a number of Dart Stations in the vicinity and is also served by a number

of bus routes. It is located within a densely populated area and employees could use sustainable transport and walk to the site.

#### *Relationship with Adjacent Uses*

- Abbey Business Park accommodates a number of unrelated uses and they query how an office use could adversely affect existing uses.
- They consider the proposed use is not in contravention of the DP but is a mistaken assumption that industrial/business areas can only accommodate manufacturing or warehousing areas.
- The PA has already endorsed office proposals on GE- land which are larger than that now proposed – Reg.Ref. F18A/0255 (located in Woodford Business Park Santry) refers.
- The site is adjacent to Applegreen (c.150m) which contains retail and refreshment facilities and is about 350m from the Raccourse Shopping Centre.

#### *Second Reason for Refusal – Parking*

- They refer to the Parking Standards set out in Table 12.8 of the Fingal DP and disagree with the methodology relative to well-established transport principles.
- They have highlighted Objectives ED03 and ED04 of the Fingal DP which acknowledge the importance of considering, not only the juxtaposition of residential and commercial developments, but the travel linkages between houses and centres of employment.
- They refer to the parking shortfall and the number of ‘visitor parking spaces’ and note that as adjacent units do not attract large numbers of customers or employees, there are communal spaces which are generally under-utilised (they include photographs). They envisage some degree of flexibility in parking provision.

#### *Third Reason for Refusal – Precedent*

- The fundamental flaw with this argument is that enterprise centres and office developments (the latter being under 1000sq.m) fall within the reasonable contemplation of the DP 2017.

- They observe how Flood J in *Chawke Caravans Ltd v Anor v Limerick County Council* relative to the purpose of the County Development Plan being to give broad parameters.

#### *Concluding Comments*

- They consider that this employment use is acceptable on land which is designated for employment purposes.
- The area is served by sustainable transport modes and abuts a large residential area.
- Aside from the availability of an under-utilised communal resource within Abbey Business Park there are no grounds to conclude that overspill parking would occur off-site as a result of this proposal.

## **6.2. Planning Authority Response**

They have regard to the proposed development and note that the application was assessed against the policies and objectives of the Fingal DP 2017-2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbours and the character of the area.

Having reviewed the First Party Appeal the PA remains of the opinion that the proposed change of use taking into account the scale and nature of the office use would not be compatible with existing industry and general employment uses in the vicinity. They note that offices of between 100sqm -1000sq.m are neither permitted in principle nor not permitted within the GE zoning and as such would be more appropriate on lands designated under the HT-High Technology, LC-Local Centre, MC-Major Town Centre, ME- Metro Economic Corridor, RA – Residential Area and TC – Town and District Centre zonings.

They request the Board to uphold the decision of the PA and refuse permission for the proposed development. In the event that the Board decide to grant permission they request that a financial contribution be applied in accordance with the Council's Section 48 Development Contributions Scheme.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

7.1.1. The application site is located within the Baldoyle Industrial Estate, a large employment zone which is situated within an extensive suburban area on the north side of the city. The units are mostly low profile and 2 storey and were established in the 1970's and 1980's. However, the Abbey Business Park is more modern in that it was established later in the early 2000's and appears in context of the larger area for Baldoyle Industrial Estate.

7.1.2. Regard is had to the Fingal Development Plan 2017-2023. The Objective for the 'GE' General Employment land use zoning seeks to: *Provide opportunities for general employment and enterprise.*

The Vision seeks to: *Facilitate opportunities for compatible industry and general employment uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible.*

7.1.3. The Planning Authority opposes this development for three reasons, relating to non-compliance with the zoning objective, to the lack of availability of designated parking bays and to the precedent effect of this permission. They consider that to permit an office development at the proposed scale would materially impact on the surrounding permitted light industrial warehouse units and would undermine the GE-General Employment objective. Also, that it would not be compatible with or comply with the vision for the zoning and would set an undesirable precedent for this type of office use and would not be in the interest of the proper planning and sustainable development of the area. They consider such a proposal would be better located within other more suitable land use zoning categories such as High Technology (HT), Local Centre (LC), Major Town Centre (MC), Metro Economic Corridor (ME), Residential Area (RA) and Town and District Centre (TC) zonings.

7.1.4. The First Party consider that the subject premises comprises a small incubator-type unit, which is to be increased in size and used for small office suite purposes. They note the transitional nature of the area proximate to residential development in Abbey Park to the east. It is their opinion that this proposal will not adversely impact

on the surrounding area. They also note that under the zoning matrix in the current Fingal DP there is no requirement that offices, which are proposed on GE-zoned land must be ancillary to the manufacturing industry, to warehousing, to wholesaling or to any other form of activity which is otherwise permissible in such areas.

- 7.1.5. They query why a small office area, which is well beneath the 1,000sq.m limit on GE land would adversely affect the activities in existing units in a manner that would warrant withholding consent. They also note that the upper space threshold which applies to purely office proposals (which, at 1,000 sq.m does not actually affect this proposal) does not extend to enterprise centre development, whose size is otherwise unrestricted in the zoning matrix, and accordingly that it is not possible for a development in this latter class to be deemed as '*not permitted*' in this area based on the total floorspace complement.
- 7.1.6. Having regard to the 'GE' zoning objective, it is noted that the proposal at c. 400sq.m of office space is neither 'Permitted' nor 'Not Permitted'. This includes that an Enterprise Centre or Warehousing is 'Permitted in Principle'. Offices other than ancillary to the permitted use are not referred to as '*Permitted in Principle*' however Offices greater than 1,000sqm are not '*Not Permitted*'. The Note at the end of the GE Zoning provides: *Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.* Regard is had to this issue in this Assessment below, including relative to the design and layout and impact of the proposed change of use on the character and amenities of the area, parking shortfall and precedent.

## 7.2. Design and Layout and Use

- 7.2.1. The subject premises – Unit no.6 is located within the northern part of Abbey Business Park, adjacent to the suburban residential development of Abbey Park and is fenced off from the buildings in Baldoyle Industrial Estate. The Abbey Business Park contains two terraces of purpose built units permitted for light industrial warehousing (Reg.Ref. F98A/0539 as noted in the Planning History Section above refers). As noted on my site visit, these are currently used for a multiplicity of purposes, including warehousing, storage, retail and office. Therefore, a mixture of

uses already occurs in these units. It is of note that some of these changes of use may not be authorised.

- 7.2.2. The floor plans submitted show existing and proposed plans. As viewed on site the existing plans are somewhat different from that shown on the plans submitted and have evolved from the warehouse use. Unit no. 6 currently comprises a kitchen area, toilet facilities and two offices at ground floor level. Stairs from the hallway access the larger shared first floor office space. Otherwise internally at the rear it part comprises the full height warehouse area partly used for storage. It is noted that the loading bay at the front has been replaced by a window. The unit at present appears to be more in office than in warehouse use with no front roller shutter door access to the warehouse area at the rear. Therefore, it could be said that currently, the warehouse use is largely defunct as it cannot be accessed other than for pedestrian access from front or rear.
- 7.2.3. The plans show that a mezzanine floor is to be created to allow for complete office use of the first floor area. In total 404sq.m on ground and first floors are to be used relative to the office development for the Enterprise Centre. The proposed ground floor layout includes a shared recreation space and refreshment and recreation areas as well as meeting rooms and a wc for persons with mobility issues. The Council is concerned that the proposal is significant in that it would allow for a change of use of a light industrial unit to accommodate as shown on the plans submitted c.36 desk spaces. They provide that this would not be compatible with existing industry and general employment uses in the vicinity. It is noted that a Business Plan has not been submitted and restricting the no. of office desks is not considered enforceable.
- 7.2.4. As noted above the proposed 'new window to front replacing loading bay doorway' has already been implemented. The proposed 'new window openings at ground and first floor level to side and rear elevations' have not been done. It is not considered that there is an issue with the insertion of these, in view of the locational context, relative to overlooking etc. It is noted that no external extensions are proposed.
- 7.2.5. Other aspects of the proposal include that within Unit 6, a communal bin store will be added to facilitate the increased occupancy levels of the building. The First Party provide that there are plans afoot by the Management Company to provide

communal bins for the entire business park. It is noted that the floor plans submitted do not include an area for communal bin storage for the unit, and it is recommended that if the Board decide to permit that it be conditioned that plans for this be submitted.

### 7.3. Access and Parking

- 7.3.1. The Council's Transportation Planning Section notes the existing use has a parking demand of two parking spaces based on warehouse use at a rate of 1 space per 100sq.m g.f.a. The proposed development has a parking demand of 8 spaces based on the office use with a g.f.a of 404sq.m at a rate of 1 space per 30sq.m and reduced by 50% due to the proximity of the railway line. As noted during my site visit, the former warehouse unit has been part subdivided into office uses. This is unauthorised but has changed/increased the parking requirement from the 2 spaces for the authorised warehouse use.
- 7.3.2. It is of note that Objective DM113 of the Fingal DP seeks to: *Limit the number of car parking spaces at places of work and education so as to minimise car-borne commuting.* It also provides: *The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8.*
- 7.3.3. As shown on the site layout plan Abbey Business Park has allocated parking for each of the business units. It is noted that the plans show only 2no. spaces allocated for the proposed development. The Transportation Section are concerned that the Business Park is directly accessed from Baldoyle Industrial Estate which currently has issues with parking over spilling onto the access roads and footpaths. Also, that any deficit in parking for the proposed development could not be accommodated in the Business Park would further exacerbate this issue. As part of the F.I the applicant was requested to address this parking issue.
- 7.3.4. The First Party note that the property is located close to transport links. They provide that having regard to the 50% parking reductions due to the proximity of the railway line a general office then requires 1 space per 60sq.m in this accessible location and as this development involves 400sq.m the actual parking requirement is 6.5 spaces. Therefore as 2 no. spaces are provided the maximum parking shortfall is 4.5 spaces.

- 7.3.5. Having regard to the Site Layout Plan it is noted that there are 27no. shared carparking spaces in the car parking area to the south of the site. These are sign posted as 'Visitor Parking' on site. I noted that at the time of the site visit, this area was under parked. I would recommend that if the Board decides to permit that details be submitted by the applicant to show that 2no. of these spaces will be allocated to Unit no. 6 prior to the commencement of development and that this be conditioned.
- 7.3.6. It is also of note that as the original loading bay will be converted to a meeting room, outside will be redundant. It is their intension to install bicycle racks in this space to facilitate and encourage cyclists. It is noted that this section of the ramp is shared with the adjoining loading bay for Unit no.5 and needs to be kept accessible for this unit. Therefore, there is a need to show where cycle parking will be provided. If the Board decides to permit it is recommended that this be conditioned.

#### 7.4. **Precedent**

- 7.4.1. The Council's third reason for refusal concerns that the proposal would set an undesirable precedent for a substandard office development of a similar scale within the GE zoned lands. The First Party have quoted a number of cases where office development was permitted in 'GE' zoned lands. However, it must be noted that each case is considered on its merits and the cases mentioned do not have much similarity with the subject site.
- 7.4.2. However, I would be concerned about the scale of overall office development proposed, and the precedent this might set for some of the other units in Abbey Business Park. As noted above many of these are not in full warehouse use and many contain some element of offices but not to the scale proposed in the subject unit. The Board may decide to refuse relative to the issues raised. In this event the Council could then pursue the unauthorised development and reinstate the warehouse use including the loading bay area, and removal of the existing ground floor offices.
- 7.4.3. However, if they decide to permit it would regularise the existing office use element of Unit no. 6, where as noted above the access to the warehouse facility has been removed. I would recommend that in this event that it be conditioned that a Business



Plan be submitted for the written agreement of the Council prior to the commencement of development.

## **7.5. Screening for Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted for the proposed development subject to the conditions below.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the scale and nature of the proposed change of use development within Unit no. 6, its location on lands zoned for 'GE' General Employment uses and within the Abbey Business Park and within the designated Baldoyle Industrial Estate lands 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 not seriously injure the residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. 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 11th 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 the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:-
  - (a) A Business Plan which shall include details of the office uses, hours of operation and the Management of the Enterprise Centre within unit no. 6.
  - (b) Drawings showing 2no. additional on-site parking spaces allocated to unit no. 6 and a written agreement that these can be provided.
  - (c) Drawings showing the bicycle parking area.
  - (d) Drawings showing the Communal bin storage area for the Unit.

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

3. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

**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.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. 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.

6. 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.

7. 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.

8. 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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Angela Brereton  
Planning Inspector

21<sup>st</sup> of June 2019