



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304265-19**

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<b>Development</b>	Use of the unit for the sale of comparison goods.
<b>Location</b>	Unit 428 Retail Park 2, Blanchardstown Town Centre, Coolmine, Dublin 15.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW19A/0011
<b>Applicants</b>	Blanche Retail Nominee Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Blanche Retail Nominee Ltd
<b>Date of Site Inspection</b>	24 June 2019
<b>Inspector</b>	Dolores McCague

## **1.0 Site Location and Description**

- 1.1.1. The site is located at unit 428 Retail Park 2, Blanchardstown Town Centre, Coolmine, Dublin 15. The site is occupied by a warehouse type building which is at the south western end of a line of similar buildings forming a perimeter oriented in a north-east / south-west direction along a large expanse of car parking. This line of buildings is attached to a similar perimeter of buildings oriented in a north-west / south-east direction along the north of the car parking. The large expanse of car parking is divided from the shopping centre by a road. A covered path through the car park provides a partial link between the outlets on the western side of the car park and the shopping centre. Bus stops on the road between the car park and the shopping centre are used by numerous bus services. The car parking, through which the subject site is accessed, is closed except at times which relate to the opening hours of the retail outlets.
- 1.1.2. The rear elevation of the subject building faces Blanchardstown Road South, a distributor road. The only access to this road is for a delivery entrance to the block located in the vicinity of the subject building. Residential development, in the form of low density housing can be found on the opposite side.
- 1.1.3. The site is given as 0.09 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development is a change of use of the unit from retail warehousing to use for the sale of comparison goods including an ancillary convenience element.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority decided to refuse permission for 2 reasons:

- 1 The proposed development if permitted would contravene materially condition no. 3 of permission ref F98A/0291, condition no. 14 of permission ref F03A/0826 and condition no. 3 of permission ref F04A/1476, each of which relate to the use of the application site and exclude the sale of convenience goods. The proposed

development if permitted would therefore be contrary to the proper planning and sustainable development of the area.

2 Having regard to the location and scale of unit 428 of the retail park within which the site is located, the provisions of the 'Retail Planning Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in January 2012, the Retail Strategy for the Greater Dublin Area, 2008-2016 and Objective ED55 of the Fingal Development Plan 2017 – 2023, it is considered that the change of use, if permitted, would be contrary to policies and objectives aimed at consolidating the role of retail warehousing. The change of use would set a poor precedent, materially contravene an objective of the Fingal Development Plan 2017 – 2023, and therefore be contrary to the proper planning and sustainable development of the area.

3.1.2. The decision was in accordance with the planning recommendation.

### 3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The planning report recommending refusal of permission includes:

- The PA has been consistent in permitting bulky and non-bulky comparison retailing only in the subject units and in conditioning out any convenience retailing, (see planning history).
- Retail Planning Guidelines – 4.11.2 cited.
- Retail Strategy for the Greater Dublin Area 2008-2016 – threat to convenience walk in shopping by remote drive to shopping.

- Development Plan –

Provisions cited:

Objective PM16

MC zoning

Objective ED36

Objective ED40

Objective ED41

Objective ED55

Objective PM05

Objective DMS105

Objective DMS106

- Blanchardstown Town Centre, Development Framework Plan/Masterplan April 2009. The site is located within zone Y of the town Centre. This (non-statutory) document makes the case that there is a need for more Retail Warehousing and that existing provision needs to be sustained; also that, in order to manage car trips to and around the centre, uses that generate regular daily trips should be directed to local shopping/neighbourhood centres.
- Zoned Major Town Centre – comparison and convenience permitted in principle.

3.2.3. Other Technical Reports

3.2.4. Water Services – no objection.

3.2.5. Transportation Planning Section – there would be no need for additional parking associated with the proposed development - no objection.

### 3.3. **Prescribed Bodies**

3.3.1. Irish Water – conditions:

### 3.4. **Third Party Observations**

3.4.1. Third party observations on the file have been read and noted.

## 4.0 **Planning History**

F98A/0291 - permission granted for second phase Retail Park comprising 22,225 sq m for Retail warehousing and associated car parking on land east of Blanchardstown Road south and fronting Road E, The Blanchardstown Centre, Coolmine, Dublin 15.

Condition no 3 states:

The use of the buildings shall be for retail warehousing and associated office use only and any change of use from this shall be subject to the prior permission of the Planning Authority or an Bord Pleanála on appeal.

Reason: In the interest of proper planning and development of the area.

F03A/0826 – permission granted for a new bus interchange facility with new bus lanes and 4 bus shelters and signs at Road E as well as new cycle lanes and cycle parks at the yellow entrance to the centre and retail units and new pedestrian crossing on road G and additional retail units at road E and road G at the Blanchardstown Centre, comprising of 6 retail shop units with a total area of 9,180m<sup>2</sup> including mezzanines, amenity blocks and public toilets adjoining existing retail park at road E and a temporary surface car park for 390 car spaces adjoining the south west gable wall of the retail units and associated landscaping and site development works.

Planning report states – the retail units shall be restricted to use as retail warehouses (in line with condition 3 of F98A/0291) for the sale of comparison and /or bulky goods as defined under the Retail Planning Guidelines for Planning Authorities and the Retail Planning Strategy for the GDA. The proposed units shall not be used for the sale of convenience goods, as a discount food store a supermarket superstore or hypermarket.

#### Condition 14

The retail units permitted by this decision shall be used solely as retail warehouses for the sale of comparison and /or bulky goods as defined under the Retail Planning Guidelines for Planning Authorities and the Retail Planning Strategy for the GDA. In this regard, the proposed units shall not be used for the sale of convenience goods, particularly a foodstore in the form of a discount food store a supermarket, superstore or hypermarket.

Reason: In the interest of proper planning and sustainable development of the area.

F04A/1476 revisions to previously approved permission (F03A/0826) for a new bus interchange facility with new bus lanes and 4 bus shelters and signs at Road E as well as new cycle lanes and cycle parks at the yellow entrance to the centre and retail units and new pedestrian crossing on road G and additional retail units at road E and road G at the Blanchardstown Centre, comprising of 6 retail shop units with a total area of 9,180m<sup>2</sup> including mezzanines, amenity blocks and public toilets adjoining existing retail park at road E and a temporary surface car park for 390 car spaces adjoining the south west gable wall of the retail units and associated landscaping and site development works. The revisions involve the following:

reconfiguration of proposed retail space from 6 single storey retail units comprising 9,180m<sup>2</sup> to 4 no. 2 storey retail units comprising 8,796m<sup>2</sup>; with potential for future subdivision or amalgamation or units to form one or more units, with revised elevations and height increase from 10.61m to 17.875m; reduced footprint from 132.600 x 66.830 to 66.800 x 66.830 and also consequent changes to car parking layout and entrance, pedestrian walkway linking proposed retail units to bus interchange and the main shopping centre, and omission of amenity blocks and public toilets. Proposed uses remain the same. The development will be known as 'the Fashion Park'.

### Condition 3

The proposed units shall not be used for the sale of convenience goods, particularly a foodstore in the form of a discount food store a supermarket, superstore or hypermarket.

Reason: In the interest of proper planning and sustainable development of the area.

FW17A/0026 (unit 416 same parent permission) – change of use from retail warehouse to retail, together with a new mezzanine floor measuring 360 sq m (to replace existing mezzanine). The total GFA of unit 416 will be 847 sq m.

### Condition 3

- i) The ground floor area coloured in yellow on drawings labelled 'Ground Proposed & Mezzanine Proposed' received on the 08/03/17 shall be used as retail use only.
- ii) The retail unit shall not be used for the sale of convenience goods, particularly a foodstore in the form of a discount food store, a supermarket, superstore or hypermarket.
- iii) There shall be no change of use, subdivision or amalgamation of the unit on site without the prior grant of planning permission.

Reason: To maintain proper planning control over the proposed.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Fingal County Development Plan 2017-2023 is the operative plan, relevant provisions include:

Zoning Objective “MC” Major Town Centre

Objective: Protect, provide for and/ or improve major town centre facilities.

Vision: Consolidate the existing Major Towns in the County, (Blanchardstown, Swords and Balbriggan).

Also within the defined retail core.

The aim is to further develop these centres by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing urban fabric. In order to deliver this vision and to provide a framework for sustainable development, masterplans will be prepared for each centre in accordance with the Urban Fingal Chapter objectives.

Permitted in Principle - Retail - Convenience  $\leq$  500 sqm nfa, Retail - Local  $<$  150 sqm nfa.

Objective PM16 - Consider the long term Masterplans prepared for the town centres of Swords and Blanchardstown to inform and guide development in these areas.

Objective BLANCHARDSTOWN 2 Prepare an Urban Framework Plan for Blanchardstown Town Centre to guide and inform future development. This will include improvements to the urban fabric of the Town through the integration of public transport facilities and road corridors with increased density development and innovative building formats which will have regard to changing retail patterns, the potential for high technology employment growth and the changing education, community and recreational needs of the Town’s diverse population.

Objective ED40 - Develop and promote Swords and Blanchardstown as sustainable, vibrant and prosperous Major Town Centres operating at the highest retail Level within the Fingal Retail Hierarchy, and to further strengthen, improve and diversify the retailing performance of Swords and Blanchardstown within a regional context.

Objective ED41 Facilitate improvements to the quantum and quality of retail offer and function in Swords and Blanchardstown, and ensure their sustainable development by consolidating, intensifying and enhancing their existing core retail areas, and by directing new retail opportunities into the core retail areas identified for each.

Objective ED55 Direct demand for new retail warehousing and/ or retail parks into the Major Town Centre 'MC' zoned lands of the Level 2 higher order retailing locations and into the Retail Warehousing 'RW' zoning, preferably, in the first instance, to consolidate the existing clusters of retail warehouses and/ or retail parks.

## **5.2. Blanchardstown Town Centre Development Framework/Masterplan, April 2009**

5.2.1. The Development Framework/Masterplan is a non-statutory document.

This site is located in Area Y to which the following applies -

Western Block south of the N3 exit road, north of the Blakestown Way  
Blanchardstown Rd South junction.

Undeveloped lands:

The surface car parks and 'set-back' areas, in particular those areas with roadside frontage to the front and rear of buildings.

Under-developed lands:

The retail warehouse units.

Proposed works:

(a) In-fill of the surface car-parks and 'western' buffer zone to cluster at bus terminus/metro station

(b) Redevelopment of the retail warehouse buildings to a landmark institutional / office /service building at the southern extreme of the area.

Potential works:

To alter the road alignment of the 'western' service road, to create a 'street' and covered bus and/or metro station,



### 5.3. Retail Planning Guidelines

#### 5.3.1. The Guidelines have five key policy objectives:

Ensuring that retail development is plan-led;

Promoting city/town centre vitality through a sequential approach to development;

Securing competitiveness in the retail sector by actively enabling good quality development proposals to come forward in suitable locations;

Facilitating a shift towards increased access to retailing by public transport, cycling and walking in accordance with the Smarter Travel strategy; and

Delivering quality urban design outcomes.

#### 5.3.2. 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. There is an expectation that most of the goods purchased can be transported off-site by the customer. Home delivery services may also be available.

#### 5.3.3. There are benefits to be gained in grouping retail warehouses in retail parks so that the number of trips by car are minimised.

#### 5.3.4. While it is acknowledged that there are ancillary items associated with an otherwise bulky good, e.g. computer software, printing paper, it is recommended that the retail floorspace devoted to such ancillary products should not exceed 20% of the total net retail floorspace of the relevant retail unit and such space to be clearly delineated on the planning application drawings to facilitate future monitoring and enforcement.

#### 5.3.5. Annex 1 Although there is a trend for “scrambled merchandising” whereby some retail businesses sell both convenience goods and comparison goods, greater definitional clarity is obtained by adopting a goods-based retail classification. Retail goods categories can be divided into convenience goods and comparison goods. Convenience Goods: - food; alcoholic and non-alcoholic beverages; tobacco; non-durable household goods.

Comparison Goods: the list is not exhaustive - clothing and footwear; furniture, furnishings and household equipment (excluding non-durable household goods); medical and pharmaceutical products, therapeutic appliances and equipment; educational and recreation equipment and accessories; books, newspapers and magazines; goods for personal care; goods not elsewhere classified;

bulky goods – goods generally sold from retail warehouses, where DIY goods or goods such as flatpack furniture are of such size that they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floorspace would be required to display them e.g. repair and maintenance materials; furniture and furnishings; carpets and other floor coverings; household appliances; tools and equipment for the house and garden; bulky nursery furniture and equipment including - perambulators; bulky pet products such as kennels and - aquariums; audio-visual, photographic and information - processing equipment; catalogue shops and other bulky durables for - recreation and leisure.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The nearest Natura site is Rye Water Valley / Cartron SAC (site code 001398) to the west, located in excess of 7km, straight line distance, from the subject site.

#### **5.5. EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. John Spain & Associates Consultants have submitted this appeal on behalf of the First Party. The grounds includes:
- The application is to facilitate relocation of Mr Price from an existing unit in the Blanchardstown Centre (i.e. the shopping centre/mall) and will not result in an increase in retail floorspace in the town centre.
  - The unit has an established comparison retail use. Mr Price will sell an ancillary element of convenience goods equating to c 18% of the floorspace.

- This ancillary convenience floorspace will be relocating from the shopping centre to the Retail Park 2 / Fashion Park and does not have the potential to have a material impact on the vitality and viability of the town centre.
- The site is zoned Major Town Centre, and retail convenience of ≤ 500 sq m and supermarket of ≤ 2,500 sq m nfa, are listed as permitted in principle. The site also forms part of the core retail area of Blanchardstown Town Centre, therefore this is the optimal location for all types of retailing. The restriction on convenience, per conditions attached to the permissions referenced in Reason No 1, is therefore no longer considered appropriate.
- The proposal is consistent with Table 6.1 retail hierarchy of the development plan.
- The provision of comparison and convenience retail sales in the Retail Parks – Fashion Park and Westend Retail Park, has been accepted by the planning authority.
- Westend Retail Park has a number of retail units which sell a range of convenience goods, with no restrictions in place.
- Mr Price intends to occupy the unit as a general retail unit, primarily for the sale of comparison goods, therefore broadly consistent with the permitted use.
- Mr Price outlets retail an ancillary element of convenience goods in the form of food, confectionery and non-durable household goods.
- The small element of convenience floorspace does not have the potential to adversely impact on the Blanchardstown Town Centre, as the subject unit is located within the Core Retail Area of Blanchardstown Town Centre.
- The unit has been vacant for a year. The development will provide space within the Blanchardstown Centre for a more suitable use on the shopping mall.
- The development involves relocation of user from one part of the Major Town Centre zoned lands to another and should not be considered as new convenience floorspace.
- F04A/1476 is cited.

- FW17A/0026 (unit 416 retail park 2) is cited. - Condition 3 (ii) states 'the retail unit shall not be used for the sale of convenience goods, particularly a foodstore in the form of a discount food store, a supermarket, superstore or hypermarket'. They submit that this condition does not restrict the sale of ancillary convenience items from the premises, recognising the Major Town Centre zoning of retail park 2 as consistent with all of the Blanchardstown Town Centre lands.
- Referral 3573 is cited. The primary difference between the proposed use of Unit 428 is that the unit is not restricted to bulky goods and the site is zoned Major Town Centre.

## 6.2. Planning Authority Response

6.2.1. The planning authority has responded to the grounds of appeal. The response includes:

- It would materially contravene conditions attached to previous applications.
- It would be contrary to policies and objectives aimed at consolidating the role of retail warehousing, set a poor precedent, materially contravene a objective of the Fingal Development Plan 2017 – 2023, and therefore be contrary to the proper planning and sustainable development of the area.
- It is acknowledged that the site was not zoned town centre at the time of the earlier applications, it is evident from the scale and design of the subject units and those in the vicinity that the site was designed with retail warehousing in mind. Notwithstanding the current zoning, the area continues to be characterised by large retail warehousing units facilitating a comparison offer that is appropriate to the scale of the units.
- Re the precedent cited in the Fashion Park and West End Retail Park, these units are different in design and have enabled an evolution of retail offer that provides for a very different retail context, complementing the main town centre building and overall MC zoning in a different way.
- It is the intention of the planning authority to protect the vitality and viability of the Blanchardstown Town Centre (BTC) as a whole by preventing the loss of a retail warehouse building to a use that is not dependent of a unit of this scale, which are increasingly rare in a MC zoning. While the subject site is

vacant, other similar units are occupied and the overall vacancy level is extremely low. Demand for such units should not be stymied by allowing uses and scale of uses that are and can be accommodated elsewhere in the main shopping centre building.

- It is acknowledged that there is no difference between the covered malls within the Centre building and surrounding retail parks. There is clearly a difference in the physical layout, scale and design of the surrounding units. Identified in the Development Framework/Masterplan as area 'Y'.
- In the absence of up to date Regional Retail Planning Guidance the designation of MC zoning has been applied to the centre of Blanchardstown. Nonetheless the retail nuances of retail provision and physical expression of the Blanchardstown Centre should not be ignored. Until new Regional Planning Guidance is adopted and allows for a more strategic planning exercise as part of an Urban Framework Plan identified in the current Development Plan, or to inform the preparation of the next Development Plan, the development would seriously undermine the consistent direction the development of the Blanchardstown Centre has taken to date.

## **7.0 Assessment**

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the principle of the development, and the urban design / masterplanning of the area, and the following assessment is dealt with under those headings.

### **7.2. Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

### **7.3. Principle of the Development**

- 7.3.1. The planning history has consistently restricted the use of this premises to use as retail warehouses for the sale of comparison and /or bulky goods. However the

zoning was changed in the most recent development plan: the Fingal County Development Plan 2017-2023. It is now zoned 'MC Major Town Centre'.

- 7.3.2. The site is located within the area of Blanchardstown known as the 'Town Centre'; Blanchardstown Village being the area centred on the original old village.
- 7.3.3. The MC zoning in Blanchardstown Town Centre comprises the shopping centre/mall, nearby retail warehouse parks to the north west (including the subject site), north east and south east of the shopping centre, the gateway insurance building and the hotel both also to the north east, and various services including restaurants, to the south-west. Most of this area, with the exception of playing fields to the south west, are also within the Core Retail area, as defined in Figure 6.2 of the development plan.
- 7.3.4. The site is appropriately zoned, the planning histories refer to previous plans and previous zoning objectives which are no longer relevant; the proposed development is therefore acceptable in principle.

#### **7.4. Urban Design / Masterplan**

- 7.4.1. The planning authority's response to the grounds of appeal states that notwithstanding the current zoning the area continues to be characterised by large retail warehousing units facilitating a comparison offer that is appropriate to the scale of the units.
- 7.4.2. They further state that it is the intention of the planning authority to protect the vitality and viability of the BTC as a whole by preventing the loss of a retail warehouse building to a use that is not dependent on a unit of this scale, which are increasingly rare in a MC zoning; that while the subject site is vacant, other similar units are occupied and the overall vacancy level is extremely low; and that demand for such units should not be stymied by allowing uses and scale of uses that are and can be accommodated elsewhere in the main shopping centre building.
- 7.4.3. It is worth noting that the 'Blanchardstown Town Centre Development Framework/Masterplan' which is a non-statutory plan, refers to these retail warehouse units as 'under-developed' lands and includes an objective for the redevelopment of the retail warehouse buildings at the southern extreme of the area, which includes the subject building, to a landmark institutional / office /service building.

- 7.4.4. The site is within the area defined as the retail core of Blanchardstown.
- 7.4.5. I cannot accept, in this case, that there is a need to prevent the loss of a retail warehouse building in order to protect the vitality and viability of Blanchardstown Town Centre as a whole.
- 7.4.6. The planning authority's response to the grounds of appeal states that until new Regional Planning Guidance are adopted and allow for a more strategic planning exercise as part of an Urban Framework Plan, identified in the current Development Plan, or to inform the preparation of the next Development Plan, the development would seriously undermine the consistent direction the development of the Blanchardstown Centre has taken to date.
- 7.4.7. I note that the Blanchardstown Town Centre Development Framework/Masterplan, is dated April 2009, and notwithstanding the objective (PM16 of the development plan) to consider the long term Masterplan prepared for the town centre of Blanchardstown to inform and guide development in the area, the development plan also includes an Objective (Blanchardstown 2) to prepare an Urban Framework Plan for Blanchardstown Town Centre to guide and inform future development. *'This will include improvements to the urban fabric of the Town through the integration of public transport facilities and road corridors with increased density development and innovative building formats which will have regard to changing retail patterns, the potential for high technology employment growth and the changing education, community and recreational needs of the Town's diverse population'*.
- 7.4.8. It may be that the development plan zoning has moved ahead of the existing Urban Framework Plan since major redevelopment of this area is the desired outcome. Other objectives of the development plan, such as the development of mixed uses, including residential use, and increasing densities, can only be achieved by major redevelopment, rather than change of use. Nevertheless the change of use, as sought, is provided for in the zoning and the proposed development would not run counter to any clearly stated objective of the plan. It is also worth noting that the proposed development, being a change of use rather than significant works, would not create a major impediment to future re-development.
- 7.4.9. Notwithstanding the urban design improvements required in this area to allow Blanchardstown Town Centre to evolve into a fully functioning town centre and the need to update the Masterplan to guide this evolution, in my opinion, in this instance, these should not be reasons to refuse permission.

## 8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and subject to the following conditions.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the current zoning of the lands for Major Town Centre uses and the location within the area defined as the retail core of Blanchardstown, it is considered that the proposed convenience element within a comparison outlet, notwithstanding the planning history of the site, which predates the current development plan, would not detract from the vitality or viability of the Blanchardstown Town Centre as a whole, and would otherwise 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, 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 applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.



**Reason:** In the interest of public health and orderly development.

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Planning Inspector

15<sup>th</sup> July 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023 extract.

Appendix 3 Blanchardstown Town Centre Development Framework/Masterplan,  
April 2009, extract.