



An
Bord
Pleanála

Inspector's Report

ABP-304431-19

Development	A mixed use commercial building
Location	Existing Vacant Site, East of Ulster Bank, forming part of Deanstown House site at Main Street, Blanchardstown, Dublin 15, D15 V3PN
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW18A/0122
Applicant	Patrick Molloy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Millstead Residents Association
Observer	Cllr Roderick O'Gorman
Date of Site Inspection	23 rd July 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The subject site is a mainly a vacant site, east of the Ulster Bank, and including Deanstown House (not itself being developed), at Main Street, Blanchardstown, Dublin 15. The development area comprises two portions: an enclosed portion of rectangular shape within which there is a large billboard sign close to the adjoining Ulster Bank, currently in temporary use for pay parking, and an L shaped portion which surrounds the former on two sides also extending farther west, comprising a roadway with a one way access from Main Street and a wider area to the north and north west which comprises parking to either side of a roadway with access/egress to Mill Road.
- 1.1.2. The site is given as 0.2535 hectares.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the erection of a three storey over basement mixed use commercial building. The development as described in notices includes: uses of the building will be office and related uses to first and second floors, retail use with 4 separate shops to the ground floor and a secure storage premises to the basement area; the development will include the removal of the existing advertising signs on site and all existing boundary walls/palisade fence, reconfiguration of existing car parking spaces to the rear car park with an increase from 26 to 37 spaces, 10 new bicycle spaces to the rear car park; associated site development works/hard landscaping/ boundary treatments/waste disposal areas and services connections.
- 2.1.2. Apart from the temporary use as a car park the site has not previously been developed and is likely to have been the gardens of houses.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided (16th April 2019) to grant permission, subject to 16 conditions, including:

2) Prior to commencement of development the applicant shall submit revised plans, drawings and specifications to the Planning Authority and obtain written approval of same, detailing the following:

Revised front south facing elevation and side east facing elevation providing at ground floor level revised shop window openings incorporating a more substantial dwarf wall, of a height of at least 0.8m from the level of the footpath, and at first and second floor level, all window opes to incorporate a more substantial cill feature and or contemporary surround features.

The areas above the shop front should be lowered to align with the tops of the door opes serving the stair access in both the front elevation and the stair access door in the east elevation.

The areas shown for the shop signs above the ground floor windows and doors should be reduced in depth from 1.0m to 0.8m.

Details of all rainwater goods.

Details of external lighting to be provided in the rear car park to serve all parking spaces, including Nos 30-39.

Details of any plant at roof level including for any external extraction or ventilation. In this regard only plant required to be on the roof shall be permitted. All other plant including extraction or ventilation details shall be internalised within the envelop of the building.

Revised finishes to provide a greater punctuation of material to offset the dominant render material.

3)The following shall apply in relation to the proposed development:

The use of the building shall be restricted to retail use at ground floor level, office use at first and second floor levels. The basement shall be restricted to staff bicycle storage/shower and storage only; with no access to the general public.

This permission relates only to the development as advertised and does not permit any other uses whatsoever including hot food takeaways or betting office without a prior grant of planning permission.

No amalgamation or subdivision of retail units shall take place without a prior grant of planning permission.

Details of opening hours shall be agreed in writing prior to occupation of the units with Fingal County Council.

5) Prior to commencement of development the following details shall be agreed in writing with the Planning Authority and the applicant shall comply with the following requirements of the Planning Authority:

Two fully operational EV parking spaces should be provided within the parking area.

A taking in charge drawing from the public footpath.

The design of the crossovers of the footpath at the entrances to the car parking areas.

8 bicycle stands to be provided.

The surface materials for the public footpath shall be agreed on site with the Area Engineer Operations Department prior to construction including the provision of bollards on the footpath where necessary.

A Mobility Management Plan shall be provided by the management company promoting public transport, car sharing, bike sharing and cycle parking management.

The footpath works shall be completed at the developer's expense and to the requirements of the Planning Authority.

6) Prior to commencement of development the applicant shall submit, and obtain the written approval from the Planning Authority a revised landscape plan that:

Provides a more detailed plan of the street tree planting. Such a plan shall include full details of the constructed tree pits which shall have a minimum rooting volume of 12 cubic metres. Any services existing and proposed to be clearly shown outside of the constructed tree pit zone.

9) Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority a detailed signage scheme for the entire site. The quantum, location, design and finishes of signage shall be included. Once written agreement has been issued in relation to the signage scheme, notwithstanding the exempted development provisions of the Planning &

Development Regulations, no additional signage and/or lighting features shall be erected externally on any elevation or within the site without a prior grant of planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first recommending a request for further information, includes:

- Re Objective Blanchardstown 1, having regard to the site location and its infill nature the application can be determined on its merits and will not compromise the preparation of an Urban Framework Plan. It is also noted that the development does not exceed 3 storeys per objective Blanchardstown 1.
- Objective DMS03 and others are cited and referred to in the FI request.
- The additional information request recommendation lists 9 points:
 - 1 - The design should respect its central location within Blanchardstown Village
 - 2 - Address the significant parking deficit
 - 3 - Clearly define the public footpath etc
 - 4 - Landscape plan
 - 5 - Energy statement
 - 6 - Address concerns re overshadowing
 - 7 - SuDS
 - 8 - Intended uses
 - 9 - AA screening.

3.2.3. Other Technical Reports

3.2.4. Planning & Strategic Infrastructure Department, Transportation Planning Section, which includes:

- The footpath from the Main Street to the car parking area should be a minimum of 1.8m.

- The maximum car parking would be 26 additional spaces. The applicant proposes to provide 11 spaces leaving a significant parking deficit of 15 spaces. The deficiency is not addressed. It is not clear if there is a deficit of parking in general in the area or if the on-street parking is at saturation. Requesting a revised layout maximising the parking provision.
- Secure cycle parking for 20 spaces.
- FI recommended on 5 points:
 - Parking deficit.
 - A revised layout clearly defining the public footpath and surface finishes from the proposed private boundary and 1.8m footpath connection from the Main Street to the car parking area.
 - Cycle parking and cycle parking storage.
 - Deliveries.
 - Consult Transportation Planning Section prior to submission.

3.2.5. Water Services Department

- Surface Water
- Surface Water drainage proposals must incorporate SuDS. Prior to commencement submit SuDS based drainage proposals including design calculations following the principles of and in compliance with GDSDS Regional Drainage Policies Volume 2 New Development, August 2005.
- No surface water/rainwater is to discharge into the foul water system.
- The surface water drainage must be in accordance with the Greater Dublin regional Code of Practice for Drainage Works, Version 6.0, FCC April 2006.

3.3. Further Information Request

3.3.1. The further information request issued, 10/10/18, per recommendation.

3.3.2. Further Information Response

3.3.3. The response to the additional information request received 22/3/19, includes:

- Revised drawings,
- A design statement set out in accordance with the 12 urban design criteria per Urban Design Manual - best practice guide;
- A Building Energy Performance and Co2 calculation;
- BER Sunlight, Daylight & Shadow Assessment compliance analysis, which shows full compliance with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings, Part 2:Code of Practice for Daylighting and other updated relevant documents.
- A Habitats Directive Assessment, indicating that AA is not required.
- A response to item 7 – surface water runoff.

3.3.4. The second planning report recommending permission, includes:

- Assessment of the itemised responses to the additional information requested:
- 1 - The submitted design statement explains the rationale behind the proposal it is stated that the proposed development will have a positive impact on the streetscape; areas evolve over time and the introduction of this significant building will serve to visually enhance the immediate area providing a feature building of sufficient design quality cognisant of its prominent location without unduly adversely impacting on the amenities of the area or those of neighbouring properties.

This is considered generally acceptable. Some relatively minor but important design issues need to be further articulated. Window to door ratios at ground floor level on front and east facing elevations appear out of proportion; revised proposals incorporating a more substantial dwarf wall required. The shop front should be marginally lowered and shop signs reduced in depth. Windows to front and east appear rather bland and would benefit from better articulation – more substantial granite cills and / or feature surrounds with a contemporary design.

Details require clarification – rainwater goods, external lighting of rear car park and plant at roof level.

- 2 – response - parking increased from 37 to 39. The current exit gateway is poorly designed and in response it is proposed to provide a wider footpath. The parking requirement is a maximum requirement and focus instead is to public transport and bicycle uses at this location, which is on a QBC bus corridor and main

route for bicycles. The previous permitted application FW09A/0123 allows for no parking. The allocated number of spaces is therefore extremely positive.

Assessment - Transportation Planning Section – conditions.

- 3 - Define the public footpath etc - Assessment Transportation Planning Section – conditions.
- 4 - Landscape plan - Assessment – street trees are welcome in principle, contributing to the character and amenity of the street. However it is not clear how this would be achieved as 110mm HPPE pipe is also shown in this footpath on Dwg. No. G1145-01 (Layout of Existing Water and Drainage Services). Recommending a more detailed plan of the street tree planting, by condition.
- 5 – Energy Statement provided – Assessment acceptable.
- 6 – Overshadowing - Assessment - A full Sunlight, Daylight and Shadow assessment shows that the proposed building is fully compliant with standards as set out in the BRE guidance documents and exceeds the standards by a considerable margin.
- 7 – SuDS – Assessment - Water Services Section require that revised surface water drainage calculations and drawings be submitted showing the allowable discharge rate to be Q_{bar} or 2l/s/ha whichever is the greatest.
- 8 – Proposed uses - Assessment - Opening hours and intended uses cannot be clarified at this time; to be conditioned. Limitations on opening hours in this central location would be inappropriate. Nuisance through noise pollution etc, can be adequately secured through proposed environmental health conditions.
- 9 – AA Screening report provided – Assessment - AA not required.

3.3.5. Other Technical Reports

3.3.6. Planning & Strategic Infrastructure Department, Transportation Planning Section, which includes:

- There is a deficit of 7 parking spaces from the reduced standard, 50% reduction in a town centre. The applicant should provide a Mobility Management Plan. It is not clear if EV car parking is being provided, 2 EV spaces should be provided.
- Footpath – the response is acceptable. Footpaths should be designed so that pedestrians retain priority across entrances. The crossovers should be constructed as raised ramped.

- Cycle parking – the proposed staff cycle parking would be in the basement rather than at ground level, which would be easier to access; however they are located next to the lift.
- The on-street cycle parking is acceptable. Cycle parking should not block the existing footpath, 8 stands sufficient.
- Deliveries – proposals acceptable.
- Construction Management Plan and Construction Traffic Management Plan should be submitted.
- Recommending conditions.

3.3.7. Environmental Health, 28/3/19 which includes:

- No heavy construction equipment / machinery (to include pneumatic drills, construction vehicles, generators etc) outside construction hours, etc
- If there is any occasion when work must be carried on outside daytime hours, this department, local residents and businesses in areas which are likely to be affected by noise from the proposed works should be notified in advance...
- Re. noise – the developer to have regard to BS5228: Part 1: 1997 'Noise and Vibration Control on construction and open sites – Code of Practice for basic information and procedures for noise and vibration control.'
- Re dust – detailed condition.
- Noise limits - detailed condition.
- Mechanical services shall be so designed and suitably located to as to prevent nuisance.
- The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

3.3.8. Environmental Health, 2/4/19, which includes:

- No details of retail premises, no comment.

3.3.9. Parks division, which includes:

- Street trees are welcome in principle, contributing to the character and amenity of the street, however it is not clear how this would be achieved as 110mm HPPE pipe is also shown in this footpath. Recommending conditions.

3.4. Prescribed Bodies

Irish Water – conditions.

3.5. Third Party Observations

- 3.5.1. Observations on the file have been read and noted.

4.0 Planning History

PI 06F.235674 PA Reg Ref FW09A/0123 permission granted for a commercial scheme on a 0.055ha site, approximately, at Main Street, Blanchardstown, Dublin 15. Construction of a mixed-use retail and office development with a gross floor area of 1,386 sq m (including 416 sq m at basement level (for retail use, cycle parking, shower and locker facilities, storage, plant and ancillary uses) in a 2 storey over basement block.

FW09A/0123/E1 permission for extension of duration granted to 15th May 2020.

F08A/0241 permission refused for the demolition of the existing boundary wall (9sq m) and the construction of a mixed-use retail and office development with a gross floor area of 2,065 sq m (including 420 sq m at basement level (for retail use, cycle parking, shower and locker facilities, storage, plant and ancillary uses) in a 4 storey over basement (including setbacks) block.

300661 PA reg Ref FW17A/0187 - Permission granted for retention of 2 windows at first floor level to the rear (northern) elevation of an existing commercial building at Deanstown House, Main Street, Blanchardstown, Dublin 15.

Additional planning history is referred to in the planner's report.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Fingal Development Plan 2017-2023 is the operative plan. Relevant provisions include:

Zoned TC protect and enhance the special physical and social character of the town and district centres and provide and or improve urban centre facilities.

Objective Blanchardstown 1

Prepare an Urban Framework Plan for Blanchardstown Village to guide and inform future development to include improvements to the Village streetscape and environment through appropriate high quality infill development not exceeding three storeys; retain the historic streetscape by ensuring the conservation of traditional buildings; enhance levels of public lighting and supervision and provide a central public space.

Objective DMS03

Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas. The design statement is required to:

- Explain the design principles and design concept.
- Demonstrate how the twelve urban design criteria (as per the 'Urban Design Manual - A Best Practice Guide') have been taken into account when designing schemes in urban areas. Each of the twelve criteria is of equal importance and has to be considered in an integrated manner.
- Outline how the development meets the Development Plan Objectives, and the objectives of any Local Area Plan, Masterplan, Urban Centre Strategy, Framework Plan or other similar Plan affecting the site.
- Include photographs of the site and its surroundings.
- Include other illustrations such as photomontages, perspectives, sketches.
- Outline detailed proposals for open space and ensure the provision of open space is designed in from the beginning when designing a new scheme.

- Outline a detailed high quality open space and landscape design plan including specifications, prepared by suitably qualified professionals.
- Outline how Green Infrastructure integrates into the scheme.

5.2. **Natural Heritage Designations**

- 5.2.1. The nearest Natura sites are the Rye Water Valley/Carton SAC (site Code 001398) in excess of 6 km, straight line distance, from the subject site, and South Dublin Bay and River Tolka Estuary SPA (site Code 004024) in excess of 11 km, straight line distance, from the subject site.

5.3. **EIA Screening**

- 5.3.1. 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. The third party appeal against the planning authority's decision to grant permission has been submitted by Millstead Residents Association. The grounds of appeal is in part set out under the headings used in the further information Design Statement ('Urban Design Manual - A Best Practice Guide pre Objective DMS03), the grounds includes:

- The height and pitched roof - The development should be restricted to 2 storeys. The height is too large and too dominant and inconsistent with the existing building stock and impacts on the streetscape and residential properties to the rear which will be overshadowed. A flat roof is not characteristic of the area.
- The development should be restricted to 2 storeys.
- No pitched roof.
- No under croft parking.

- The building must not have windows to the rear that overlook residential properties.
- The issues raised by the objectors were not adequately addressed. A list was referred to in the planner's report and the matters were not individually addressed to establish if they are accepted or rejected by the planning officer.
- The conditions require details to be agreed, and they consider it vital that they should have an input.
- The entrance creates a blind spot.
- There is underprovision of car parking.
- The loading bay creates a traffic hazard.
- The parking is currently well used and has no capacity to accommodate the additional development. Loading currently blocks parked cars/ car spaces. The applicant must make an appropriate parking contribution to the Council for the insufficient parking provision, per the previous planning granted for a similar sized development. The previous planning granted required a contribution of €185,000 for the provision of controlled on-street parking. No such contribution has been applied to this development.
- Details of the design are queried – the timber sheeting and its maintenance; the loading bay should be increased in size to make delivery collection easier. Currently noisy refuse collection takes place in the early hours disturbing residents.
- Condition 3 re opening hours, this impacts on local residents.

6.2. Applicant Response

6.2.1. Simon Clear & Associates, Planning and Development Consultants have submitted a response to the grounds appeal on behalf of the applicant, which includes:

- In the current application the basement level is shown in plans as open plan secure storage. The 179m² basement is accessed by lift and stairs from the ground floor above. The managed storage area will have security controlled access as a secure storage facility for the vault storage of valuable goods for individuals, requiring low frequency supervised access to the basement.

- They refer to national and regional policy and the emphasis on developing centres to reduce travel demand, and on increasing densities. Guidelines indicate that height limits should not be imposed and even in suburban areas a default of 4 storeys should be recommended. A 2 storey development in the Main Street would not accord with the guidelines.
- The planning authority dealt in detail with all the observers concerns including requiring further information on a number of issues which reflected the concerns raised.
- The conditions are standard in nature and require some details to be agreed.
- The proposed development is a modest movement towards change and does not challenge any parameters indicated in the existing development plan or in the recent government guidance in relation to consolidation and height.
- A number of issues were raised, including a suggested requirement for more car parking; Smarter Travel Guidelines advise limiting parking availability in locations well served by public transport, which the centre of Blanchardstown is. The planning authority paid considerable attention to pedestrian and cyclist facilities, permeability and public realm surrounding the building and in the context of the Main Street. All the issues raised by the appellants have been properly and adequately addressed by the planning authority in their decision.
- They request the Board to consider the proposal de novo and to attach appropriate conditions.

6.3. Planning Authority Response

6.3.1. The Planning Authority have responded to the grounds of appeal, the response includes:

- The issues raised have been dealt with in the planner's report.
- Villages evolve over time and the proposed building offers a contemporary approach that will enhance the centre of the village, without causing undue harm to the amenities of neighbouring commercial and residential properties.
- A number of conditions have been included to ensure the effective integration of the design with the receiving environment; and to ensure the amenities of

neighbouring properties during the construction process and post construction are adequately protected.

- The site is located within a designated town centre and is well served by public transport. There is also existing on-street parking and private pay and display options. It was fully assessed and considered an appropriate level of parking.
- The request the Board to uphold the decision and impose condition no 16.

6.4. Observations

6.4.1. An observation on the grounds of appeal has been received from Cllr Roderick O’Gorman. The observation includes:

- It supports the grounds of appeal.
- It accepts that development should take place on this site.
- Conditions should be attached which would either limit the height to two storeys or if three storeys there should be a condition attached requiring a pitched roof.

7.0 Assessment

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, design & visual amenity, residential amenity, and other issues 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. Design & Visual Amenity

7.3.1. The planning authority in their further information request for a design statement per CDP DMS03, required that the proposed development be justified in terms of the 12 Urban Design criteria. Given its Main Street location and the limited site size, compliance with many of the Urban Design criteria can generally be taken as read.

- 7.3.2. The grounds of appeal raises concerns regarding the building height and use of a flat roof. In preference to what is proposed they consider that the development should be restricted to 2 storeys. The height is too large and too dominant and inconsistent with the existing building stock and impacts on the streetscape and residential properties to the rear, which will be overshadowed. A flat roof is not characteristic of the area and they request in preference a pitched roof.
- 7.3.3. The applicant's response states that a 2 storey development in the Main Street would not accord with current guidelines.
- 7.3.4. I concur with the applicant's response that a 2 storey development on this centrally located, accessible site, well served by public transport, where no particular site constraints apply, would not be acceptable in terms of current guidelines which require densification of such areas including increases in height.
- 7.3.5. In relation to the roof profile, the Ulster Bank has similarly a flat roof. I concur with the planning authority's response to the grounds of appeal that villages evolve over time and the proposed building offers a contemporary approach that will enhance the centre of the village.
- 7.3.6. The grounds of appeal states that there should be no undercroft parking. The use of undercroft parking appears designed to facilitate additional parking. The Board should note that although increasing the proposed parking provision on site was a subject of the further information request, the Development Plan parking requirement is a maximum requirement. The omission of the undercroft parking would allow for an increase in retail floor area and would avoid the potential anti-social behaviour which is the cause of concern. In my opinion it would also be beneficial to the design of the scheme.

7.4. Residential Amenity

- 7.4.1. The grounds of appeal refers to impact from overshadowing on the residential properties in Millstead and that no shadow analysis has been provided.
- 7.4.2. In response to a request for further information, a Sunlight, Daylight & Shadow Assessment was compiled by Chris Shakelton Consulting, which demonstrates full compliance with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (BRE 2011) and BS 8206 Lighting

for Buildings, Part 2: Code of Practice for Daylighting and other updated relevant documents in relation to the properties of concern to the appellants.

7.4.3. I am satisfied that no significant overshadowing of these properties will occur.

7.4.4. The grounds of appeal states that the building must not have windows to the rear that overlook residential properties.

7.4.5. The proposed development has upper floor windows which face east and west and are clearly designed such that there are no views to the north. This can be seen on the drawing titled 'first floor plan second floor plan' drawing no. 03 Rev B, and on the proposed east elevation on the drawing titled 'proposed south elevation, proposed & existing east elevation' drawing no. 04 Rev B.

7.4.6. I am satisfied that no overlooking of these properties will occur.

7.5. **Other Issues**

7.5.1. Objections not adequately addressed - the grounds of appeal states that objections were not adequately addressed by the planning authority; that the issues raised were not adequately addressed, by not being individually addressed but dealt with in summary.

7.5.2. It is clear that all the issues arising were considered. The further information request referred to the issues of shadow analysis, the design and capacity of the car parking, etc.

7.5.3. Conditions requiring details to be agreed - the grounds of appeal requests that observers input be facilitated in relation to conditions requiring details to be agreed.

7.5.4. There is no provision in the legislation which would allow public participation in relation to conditions requiring details to be agreed with the planning authority. For this reason, where significant impact on third parties is likely, it would not be appropriate to leave such details for post decision agreement. There is nothing in the stated conditions requiring further details for agreement, which would involve significant impact on third parties.

7.5.5. Traffic issues - the grounds of appeal states that there is underprovision of car parking, the loading bay creates a traffic hazard, and the entrance creates a blind spot.

- 7.5.6. The parking requirement set out in the Development Plan is a maximum requirement, therefore there is no under-provision. The location of the loading bay is acceptable to the planning authority, per the report of the Planning & Strategic Infrastructure Department, Transportation Planning Section, 15 April 2019. The bend on the car park access roadway is on a one way route with footpaths to either side, which the Planning & Strategic Infrastructure Department, Transportation Planning Section, has found acceptable.
- 7.5.7. Development charge for parking - The grounds of appeal requests that the applicant be required to make an appropriate parking contribution to the Council for the insufficient parking provision, per the previous planning permission granted for a similar sized development.
- 7.5.8. The policy context is different to when the previous permission was granted. The Development Plan parking requirement now refers to a maximum requirement, therefore there is no shortfall or under-provision in respect of which a development levy is appropriate.

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 zoning of the site in the current Development Plan for the area and the pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would 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 as amended by the
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	<p>further plans and particulars submitted on the 22 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development the applicant shall submit revised plans, drawings and specifications to the Planning Authority and obtain written approval of same, detailing the following:</p> <p>Revised drawings showing omission of the undercroft parking, the extension of the ground floor shops to align with the floors above, and the provision of parallel parking spaces along the rear of the building.</p> <p>Details of all rainwater goods.</p> <p>Details of external lighting to be provided in the rear car park to serve all parking spaces.</p> <p>Details of any plant at roof level including for any external extraction or ventilation. In this regard only plant required to be on the roof shall be permitted. All other plant including extraction or ventilation shall be internalised within the envelop of the building.</p> <p>Revised finishes to provide a greater punctuation of material to offset the dominant render material.</p> <p>Reason: In the interest of clarity and of the visual amenities of the area.</p>
3.	<p>Details including samples of the materials, colours and textures of all external finishes to the proposed building shall be submitted to the planning authority prior to commencement of development.</p>

	<p>Reason: In the interest of the visual amenities of the area.</p>
4.	<p>All service cables associated with the proposed development shall be located underground.</p> <p>Reason: In the interests of visual amenity</p>
5.	<p>External roller shutters shall not be erected. Any internal shutter shall only be of the perforated type, coloured to match the shopfront.</p> <p>Reason: In the interests of visual amenity</p>
6.	<p>The following shall apply in relation to the proposed development:</p> <p>The uses of the building shall be restricted to four shops at ground floor, office use at first and second floor levels, and staff bicycle storage/shower area and secure storage, with limited public access, at basement level.</p> <p>No amalgamation or subdivision of shop units shall take place without a prior grant of planning permission.</p> <p>Reason: In the interest of clarity and of the amenities of the area.</p>
7.	<p>Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a detailed signage scheme for the entire site. The quantum, location, design and finishes of signage shall be included. Once written agreement has been issued in relation to the signage scheme, notwithstanding the exempted development provisions of the Planning & Development Regulations, no additional signage and/or lighting features shall be erected externally on any elevation or within the site without a prior grant of planning permission.</p> <p>No free-standing advertising structures associated with the proposed development shall be erected on the adjoining public footpath, to the front or side of the shops.</p>

	<p>Reason: In the interest of clarity and to ensure that effective control is maintained over this aspect of the development.</p>
8.	<p>Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised landscape plan that provides a more detailed plan of the street planting, including full details of the constructed tree pits which shall have a minimum rooting volume of 12 cubic metres. Services, existing and proposed, shall be clearly shown outside of the constructed tree pit area.</p> <p>Reason: To ensure that the landscaping is appropriate.</p>
9.	<p>Opening hours of the shops hereby permitted shall not extend beyond 0700-2300 Monday-Sunday. Any alterations to same shall be subject to the prior written consent of the Planning Authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area</p>
10.	<p>The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
11.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and orderly development.</p>

12.	<p>Prior to commencement of development details of the following shall be submitted for the prior written agreement of the Planning Authority:</p> <p>Two fully operational EV parking spaces shall be provided within the parking area.</p> <p>A taking in charge drawing from the public footpath.</p> <p>The design of the crossovers of the footpath at the entrances to the car parking areas.</p> <p>The provision of 8 bicycle stands at surface level.</p> <p>The surface materials for the public footpath, including the provision of bollards on the footpath where necessary.</p> <p>Reason: In the interest of clarity and orderly development.</p>
13.	<p>The footpath works shall be completed at the developer's expense and to the requirements of the Planning Authority.</p> <p>Reason: In the interest of clarity.</p>
14.	<p>A Mobility Management Plan shall be provided by the management company promoting public transport, car sharing, bike sharing and cycle parking management.</p> <p>Reason: In the interest of sustainable travel.</p>
15.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p>

	<p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>During site clearance, excavated materials shall be damped down or otherwise treated to prevent the emission of dust from the site. All stockpiles shall be planned and sited to minimise the potential for dust nuisance.</p> <p>Reason: In order to safeguard the amenities of surrounding areas.</p>
18.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound including area identified for the storage of construction refuse; (b) Details of site security fencing and hoardings; (c) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (d) Measures to obviate queuing of construction traffic on the adjoining road network;

	<p>(e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained.</p> <p>(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
19.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
20.	<p>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.</p> <p>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.</p>

Planning Inspector

26 July 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023 extract.