



An
Bord
Pleanála

Inspector's Report

ABP-306864-20

Development	Removal of an existing permitted mezzanine at first floor level and change of use of the ground floor, from retail warehouse to commercial leisure, specifically an indoor activity centre.
Location	Unit C7, Gullivers Retail Park, Northwood Avenue, Santry, Dublin 9.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0599
Applicant(s)	Cosgrave Developments
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Evelyn Burke
Observer(s)	None
Date of Site Inspection	10 th of July 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The appeal site lies c.450m south east of junction 4 of the M50, c.200m to the east of the Ballymun Road (R108) and c. 120m east of Old Ballymun Road. It is situated c.1.5km north east of Ballymun town centre, within the former Santry Demesne. Gulliver's Retail Park is accessed via a roundabout close to the entrance to Northwood Avenue and the junction with the Ballymun Road.
- 1.2. The subject site (0.065ha) is located in Unit C7 which is a retail unit located on the northern side of Gulliver's Retail Park and is one of a number of units in a 'L' shaped terrace therein. There are 10no. units within the Retail Park of different sizes. These comprise a mix of retailers including Homebase, Lidl, furniture retail including Mr Price, kitchen retailers and a pet store. The subject site is currently occupied by 'The Furniture Liquidator' and the interior includes a mezzanine floor and contains furniture for sale. Adjacent units include 'Sports Surgery Clinic' and 'Eco Interiors'.
- 1.3. Access to Gulliver's Retail Park is via Northwood Avenue. Separate delivery access is provided off Old Ballymun Road. There is a roller shutter access door in the rear of the unit. There is also an ESB switch room in a separate building at the rear. There is a large parking area for the Retail Park in front of the units. Pedestrian and cyclist access is provided to the site from adjacent footpaths and cycle lanes. There is a drive thru McDonalds and some shops/restaurants to the south on the opposite side of the Retail Park. Bridgefield residential apartment block development is under construction to the east of the Retail Park.

2.0 Proposed Development

- 2.1. This is to consist of the removal of an existing permitted mezzanine (c.585sq.m) at first floor level and change of use of the ground floor (c.653sq.m) from retail warehouse to commercial leisure, specifically an indoor activity centre with ancillary café and all associated works.
- 2.2. Documentation submitted with the application includes the following:

- A Planning Report has been submitted by RPS Group Ltd. relative to Unit C7 Gulliver's Retail Park which includes a rationale for the proposed development.
- A letter from Cosgrave Property Group who is the owner confirming their consent for the application being made on the subject lands.
- Drawings including Floor Plans, Sections and Elevations have been submitted showing the existing and proposed.

3.0 Planning Authority Decision

3.1. Decision

On the 12th of February 2020, Fingal County Council, granted permission for the proposed development subject to 13no. conditions. These include regard to restriction of use to that applied for, restriction of hours of operation and on advertising. Noise related restrictions both during construction and operational phases. Conditions relative to surface water drainage. Regarding construction works including control of emissions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- They note the current 'ME' land use zoning of the site and accept that the current use for retail warehousing is in conflict with the zoning objective.
- They note that the current proposal is neither 'permitted in principle' nor 'not permitted.'
- The proposed alterations are considered to be acceptable subject to being a temporary permission given the changing nature of the ME objective.

- The proposed change of use is considered to be acceptable and they do not consider that it will have an adverse impact on the visual amenity of the area.
- They recommended that permission be granted subject to conditions.

3.3. **Other Technical Reports**

Environmental Health Section

They have no objections subject to recommended conditions.

Water Services

They have no objections.

Transportation Planning Section

They have regard to the parking standards in the Fingal CDP 2017-2023. They have some concerns about parking and recommend a condition relative to the use of proximate spaces.

3.4. **Prescribed Bodies**

Irish Airport Authority (IAA)

They advise that they have no observations to make.

Dublin Airport Authority

They advise that they have no comments.

Irish Water

They advise that they have no objections subject to conditions.

3.5. **Third Party Observations**

A Submission has been received and as they are the subsequent appellant their concerns are considered further in this context in the grounds of appeal and Assessment below.

4.0 Planning History

The Planner's Report and the RPS Planning Report submitted with the application note the extensive planning history of Gulliver's Retail Park, the units therein and relevant to the subject site. I would draw the Board's attention to the following:

- PA ref. F04A/1562 – This permission comprises the parent permission for the existing retail warehouse development at Santry Demesne (Gulliver's retail park). It extended to a site of 19.8ha and provided a mixed use development of 77,016sqm, to include 5 no. logistic warehouses, 35 no. two storey enterprise starter units, 4 no. 5 storey office blocks, 28 no. three storey own door office buildings, 7 no. single storey retail warehouse units, 3 no. two storey motor showrooms, 1 no. two storey amenity building, associated car parking space, ancillary office and staff facilities. Condition no. 2 of the permitted development states that the permission relates to the use of the retail warehouse for the sale of bulky non-food and non-clothing goods. The permission has been extended, with the most recent expiring in March 2020 (PA ref. F04A/1562/E2).

Subsequently, under a number of permissions, modifications were made to a number of units within the above development, typically providing minor external and internal alterations, introduction of mezzanine levels, amalgamations and sub-division of units etc. These developments include:

Relevant to subject site:

- Reg.Ref.F08A/0757 – Permission granted subject to conditions on a site of c. 0.127ha for a development primarily comprising revisions to Unit C7, permitted per Reg.Ref. F04A/1562. This comprised the provision of a mezzanine floor to accommodate an additional sales area of c. 585sq.m and alterations to the existing ground floor plan to provide a kitchen, office, store room and staff toilets to the rear of the building with no increase in the existing permitted ground floor area: total floorspace of the proposed revised Unit C7 to be c.1232sq.m, associated works to include provision of a car parking area of c. 620sq.m comprising the reconfiguration of 3no. previously permitted car parking spaces (Reg.Ref. F04A/1562), and to the rear of units B13, B14 and

B15 previously permitted under Reg.Ref. F04A/1562 and all associated site development and landscape works.

Other proximate sites

- Reg.Ref.F18A/0639 – Permission granted subject to conditions by the Council and subsequently by the Board (Ref. ABP-303612-19) for the temporary partial change of use for 10 years of unit 495 sq.m. net floor area within Unit C9 from retail warehouse to general retail and all associated works on a 0.084 ha site all at Unit C9, Gulliver’s Retail Park, Northwood Avenue, Santry Demesne, Santry. (06/06/2019) for a 10 year temporary period.
- Reg.Ref. F16/0284 – Permission granted subject to conditions by the Council for the sub-division of retail warehouse unit C9/C10 (1,721sq.m) into two units. C9 (852.4sq.m) and C10 (859sq.m); new mezzanine to the front and rear of Unit C10 (259sq.m) to provide a total unit area of 1,117sq.m, temporary change of use of Unit C10 from retail warehouse to sports medicine clinic for a 5 year period and all associated site works.
- Unit C9/C10 – F11A/0065 – Permission granted by the Council and subsequently by the Board (PL06F.238934 refers) to combine existing retail units C9 and C10 to form one unit and the construction of a mezzanine level above new combined unit at Units C9 and C10 Gulliver’s Retail Park. Condition no. 2 restricted the range of goods to ‘bulky goods’ (as defined in Annex 1 of the Retail Planning Guidelines 2005).
- It is also noted that Reg.Ref. F17A/0068 (ABP. Ref.PL06F.248880) permission was granted for a Temporary change of use for 10 years of retail warehouse unit C2/C3 (1,710sq.m) to a licenced supermarket at Unit C2/C3, Gulliver’s Retail Park.
- Reg.Refs. 15A/0440 and F18A/0205 refer to recent permissions relative to proximate residential development.

Note is also had to the History Documentation submitted in the Appendix to this Report. Copies of the more recent Board decisions are included in the Appendix.

5.0 Policy Context

5.1. National and Regional Guidelines

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

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

5.2. Fingal Development Plan 2017-2023

Zoning

The site is in the Fingal South Zoning Map, Sheet 11 refers. It is zoned 'ME' - Metro Economic Corridor and is shown within the Masterplan Area 'MP11 E'. Table 6.3 refers. There is an area of 'OS' Open Space to the north of the site and an Indicative Cycle/Pedestrian Route to the south of Gulliver's Retail Park. The Indicative Route for the New Metro North and proposed Metro Stop lies to the north west of the Retail Park as do local objectives points 92 and 93. The site is within the Outer Airport Noise Zone.

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

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

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

Placemaking

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

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

Masterplans

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

Chapter 4 concerns Urban Fingal and Objective Santry 5 seeks to: *Prepare and implement a Masterplan for lands identified at Northwood (see Map Sheet 11, MP 11.E) during the lifetime of this Plan.* This Objective includes connectivity to the proposed Northwood Metro Stop. The subject site is entirely within the Dublin Airport Noise Zone C.

Economic Development

Chapter 6 concerns Economic Development – *An important element of supporting the quality, ambience, vibrancy and vitality of urban and village centres is promotion of an appropriate mix of day and night-time uses, including commercial, recreational, civic, cultural, leisure and residential uses.*

Table 6.1 sets out the hierarchy of retail floorspace in the county. It includes Santry Demesne as a Level 4 'local centre' and policy objectives ED45 to ED47 apply. Objective ED 52 seeks to support measures to address vacancy. (see attachments).

Healthy Lifestyle

Section 1.4 provides the Strategic Vision for the Plan. This includes:

Promote active and healthy lifestyles through increased opportunities for walking, cycling and active sport and recreation.

Section 3.2 supports Sustainable Communities and seeks to promote: *Responsible , caring and healthy community institutions, services and businesses.*

Signage

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

5.3. Natural Heritage Designations

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

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been received from Evelyn Burke and her grounds of appeal includes the following:

- The proposed application is not in keeping with the original planning for the retail park. The application for commercial leisure (indoor activity centre) is not in keeping with commercial retail.

- The proposed activity centre will not aid nor support the existing retail units.

6.2. Applicant Response

RPS Group Ltd have submitted a response on behalf of the First Party to the grounds of appeal. This includes the following:

- There is an ever increasing need for environmentally sustainable development, the evolution of Northwood to a more mixed residential and employment community, which will be supported by the future delivery of Metro Link. This dictates that other non-retail warehouse uses within Gulliver's Retail Park are now appropriate.
- This has been comprehensively accepted by FCC and ABP in granting temporary permission for a sports medicine clinic (F16A/0284), a licenced supermarket (F17A/0068, ABP Ref. PL06F. 248880) and general retail (Reg.Ref. F18A/0639, ABP Ref. PL06F.303612).
- Permission for uses other than retail warehouse within Gulliver's Retail Park are grounded in the use of the subject site as retail warehouse been expressly disallowed in the 'ME' zoning in the current Fingal CDP 2017-2023. Where it is both not listed as '*permitted in principle*' or '*not permitted.*'
- The proposed development is considered an acceptable use class and accords with the 'ME' zoning which supports densification and a greater range of uses and residential development.
- The temporary permission as per condition no.4 of the Council's decision to grant permission within the Metro Economic Corridor ensures the proposed development will in no way prejudice the medium to long term development of the area following the delivery of MetroLink.
- It will ensure viability in line with the Metro Economic Corridor zoning objectives.
- They note the number of residential developments being constructed and granted permission in recent times. The indoor activity centre will provide activities for a diverse age range and will increase footfall and diversity of range of activities within the Retail Park.

- They request the Board to uphold the Council's decision and grant permission for the proposed development.

6.3. Planning Authority Response

They note the grounds of appeal and consider that the proposed alterations to the use of the subject property are acceptable, subject to a condition regarding a temporary period of permission given the changing nature of this metro economic corridor zoned 'ME'. They request the Board to uphold the decision of the Planning Authority.

They provide that the Development Contribution was assessed in accordance with the Development Contribution Scheme 2016-2020 and determined to be exempt. However, they note that Section 10(q) was quoted in error. The exemption is applicable in accordance with Section 10(r) of the Scheme.

7.0 Assessment

7.1. Consistency with Planning Context

- 7.1.1. Regard is had to the policies and objectives in the Fingal County Development Plan 2017-2023. The subject site is zoned 'ME – Metro Economic Corridor' with a stated Objective to: *Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.*
- 7.1.2. While, this land use 'ME' allows for a range and diversity of uses a 'Leisure Centre' or 'Recreational Facility/Sports Club' it is not specifically referred to and is neither '*permitted in principle*' nor '*not permitted*' within this zoning objective. The Café which is described as an ancillary use in the description of development, is permitted in principle.
- 7.1.3. It is also noted that Appendix 4 - Technical Guidance Notes of the Fingal CDP defines Recreational Facility/Sports Club: *A building or part of a building, access to which is available to the public on payment of a fee or otherwise (including membership), and which is intended for recreational use (excluding dancehalls, nightclubs or similar uses).*

- 7.1.4. The Third Party is primarily concerned that the proposed application is not in keeping with the original planning application for the retail park. That the application for commercial leisure (indoor activity centre) is not in keeping with commercial retail. Also, that the proposed activity centre will not aid nor support the existing retail units. As has been noted in the History Section above, condition no. 2 of the parent permission Reg.Ref. F04A/1562 restricted the units to retail warehouse use for the sale of bulky items. The subject unit C7 is currently in use for such selling furniture items on ground and mezzanine floor levels so it is within the remit of the permitted use. However, the proposed use is separate to this.
- 7.1.5. The First Party response notes that the original application (F04A/1562 was lodged over 15years ago) and provides that there is a precedent for changes of use in these units and refer to more recent permissions. They submit that the proposed development would serve the surrounding residential and commercial area, would result in increased footfall and ensure viability in line with the Metro Economic Corridor zoning objectives. They contend that the Indoor Leisure Centre will support the businesses within Gulliver's Retail Park and provide additional recreation facilities for the increasing population in Northwood.
- 7.1.6. Fingal CDP includes Santry Demesne as a Level 4 Centre within Table 6.1 Fingal Retail Hierarchy i.e: Level 4 Centres should generally provide for one supermarket ranging in size from 1,000 -2,500 sq.m with a limited range of supporting shops (low order comparison), supporting services, community facilities or health clinics grouped together to create a focus for the local population. This level of centre should meet the everyday needs of the local population and surrounding catchment.
- 7.1.7. Regard is had to the Planning History Section above and it is noted that there is a precedent established for change of use relative to some of these units. Current uses include: Retail Warehouse, Supermarket, Retail General, Café/Restaurant and Health Care. Therefore, some of the original retail warehouse uses have been changed (since the parent permission), and conditions have been included relative to temporary permissions. This issue including relative to Metro North and temporary permissions is discussed further below. It could be argued that the context for the proposed development, therefore, differs substantially from that which was granted at the time of the parent permission.

- 7.1.8. The current CDP includes Retail Warehouse as not permitted in the ME zoning. It is also of note, that Objective ED99 which relates to the 'ME' zoning seeks to: *Protect the integrity of the Metro Economic corridor from inappropriate forms of development and optimise development potential in a sustainable and phased manner.* The footnote to the 'ME' 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.*
- 7.1.9. Therefore, the issue is whether the current proposal would be seen as detrimental relative to the proposed use and non-compliance with condition no. 2 of the parent permission or as sustainable having regard to the locational context, rationale, design and layout, access and parking and the impact on/contribution to the character and amenities of the area. Regard is also had to the issue of a temporary permission.

7.2. Rationale for Proposed Development

- 7.2.1. A Planning Report by RPS Group Ltd, has been submitted with the application. This has regard to the locational context, planning history and policy and provides a description of the proposed development. They provide that a review of planning decisions pertaining to Gulliver's Retail Park notes that there has been ongoing change and evolution in the use mix at the Park including a supermarket (Unit C2/C3 – Reg.Ref.F17A/0068 and Ref. PL06F. 248880 refers), a sports medicine clinic (Unit C9/C10 - Reg.Ref. F16A/0284 refers) and a change of use to general retail (Unit C9 – Reg.Ref. F181/0639 and ABP-303612-19 refers). They note that as permitted by the land zoning ME – Metro Economic Corridor there has been increasing acceptance of a wider range of uses and occupants within the Park; and within Northwood there is ongoing growth in the residential and working population as a mixed use sustainable community takes place. They submit that the provision of an indoor activity centre with ancillary café within such an environment is consistent with recent planning decisions and the objective for the delivery of a mixed use community within Northwood.

7.2.2. Details are given on the recent growth of Northwood as a residential/commercial area. It is submitted that this development will contribute to the mixed-use offer in the Retail Park and the wider Northwood area. Also, that this will be the first commercial indoor activity offer, of its type, in the area to serve the local population. They note that the concept seeks to encourage fitness and wellbeing and to provide a commercial indoor activity. There are similar centres in Swords and Sandyford. It is noted that Unit C7 is currently on a flexible lease and the proposal including the ancillary café will create a more vibrant shopfront which will improve its appearance within the retail park.

7.2.3. It is submitted that the proposed development to provide an Indoor Leisure Centre introduces an appropriate broadening of the existing retail/leisure provision in Northwood and aims to meet the needs of the growing residential and working community. Also, that it will increase footfall within Gulliver's Retail Park and be complementary to the surrounding range of mixed uses. They contend that it will ensure viability in line with the Metro Economic Corridor zoning objectives and additional recreational facilities with the Retail Park.

7.3. Proposed Change of Use - Design and Layout

7.3.1. The proposed development is to consist of the removal of an existing permitted mezzanine at first floor level (c.585sq.m) and change of use for the ground floor (c.653sq.m) from retail warehouse to commercial leisure, specifically an indoor activity centre with ancillary café and all associated works. The proposed indoor activity centre is to incorporate jumping, exercising and obstacle training alongside ancillary facilities such as reception, toilets, storage and a café. The Indicative Layout includes a list of the type of equipment to be included.

7.3.2. It is noted that internal works to the unit are to include:

- Change of use of the ground floor level (c.653sq.m);
- Removal of the first floor mezzanine (c.585sq.m);
- Removal of two stair cores that provide access to the mezzanine floor;
- Relocation of toilets and staff facilities;
- Partitions and fit out of the unit and details are given of such.

- 7.3.3. It is provided that the mezzanine floor is being removed to accommodate the equipment required for the facility and to provide the necessary headroom for their safe usage. The existing mezzanine proposed for removal is set back c. 3.5m from the front of the unit, and hence does not enclose the entire footprint of the unit and the first floor is not contiguous with the front elevation. The removal of the mezzanine floor area will bring the unit back to its original floor area. The café and reception area proposed are close to the frontage of the ground floor of the unit and this will give some animation to the front of the unit as seen from the site frontage. The wc's for the facility are proposed to the rear of the café area. It is not considered that the proposed change of use which does not involve external alterations, other than to signage, will impact adversely on the visual amenity of the area.
- 7.3.4. The existing Retail Park has a high-quality stone finish. It is noted that there are no proposed external changes to unit C7. Also, that there are no external works required for the façade of the building, but that the skin of the current signage is to be replaced with signage associated with the indoor activity centre. The new skin for the signage seeks to complement Gulliver's Retail Park and the overall signage. No details have been submitted and it is recommended that if the Board decides to permit that details of any such signage be submitted for the written agreement of the Planning Authority prior to the commencement of the use.
- 7.3.5. The details submitted provide that the proposed commercial leisure facility will be open from 10am - 9pm, 7 days a week. Also, that approximately 4-6 staff are required for the running of the centre, however the number of staff may increase during peak traffic times. It is provided that this is approximately in line with other units within the centre. Board Order Ref.PL06F.248880 included condition no.3 relative to the hours of operation and Ref.ABP-303612-19 condition no. 4 relative to hours of operation 0800 hours to 2200 hours Monday to Sunday. I would recommend that if the Board decides to permit that a condition similar to condition no. 5 of the Council's permission i.e. 0900 to 2200 hours Monday to Sunday be included.

7.4. Access and Carparking

- 7.4.1. The development currently has an existing carpark to the front which serves all the units within the Retail Park and has the capacity for c. 625no.spaces. The car park currently operates below capacity. There are a number of disabled parking spaces in front of 'Pet Mania' in close proximity to the frontage to Unit 7. While the proposed development may attract additional footfall, it is provided that the peak usage will be at weekends outside of peak traffic. When I visited the site during the week, I noted that while the area was busy there is ample surface carparking available adjacent to the units in the Retail Park. Also, that the area is accessible to pedestrians, cyclists and sustainable forms of transport.
- 7.4.2. It is noted that due to current usage patterns, existing and planned public transport connections and the spare capacity within the existing carpark no additional parking is proposed. The Council's Transportation Planning Section has some concerns relative to car parking for the facility. They have regard to existing parking arrangements and note that the car parking demand for this facility proposal is unknown. They are concerned that the applicant has not indicated staffing levels during peak periods, expected number of clients using the facility or the quantity of parking allocated to the unit along with any increase in parking demand due to the type of facility. They recommend a condition relative to allocation of spaces including wheelchair accessible spaces and the marking out of 'parent and child' spaces. If the Board decides to permit it is recommended that a condition relative to parking to comply with the requirements of the planning authority be included.
- 7.4.3. There is a delivery road and rear access to the unit provided by a roller shutter door. It is provided that no additional loading bays or delivery access to the rear of the subject site will be required as the proposal does not require regular delivery of bulk goods. As submitted, it is not considered that the proposed development (change of use and reduction in floor area of the existing unit) will impact adversely on the operation of the normal day time traffic in the adjacent local centre and retail park.
- 7.4.4. Details submitted, note that the proposed development is adjacent to existing commercial and residential development, c. 400m from the M50 and is conveniently located regarding public transport. The proposed emerging preferred route for Metrolink is to have a station located c.300m from Gulliver's Retail Park (c.350m

from Unit C7) at the junction of Northwood and the R108 and the area is serviced by cycle lanes and a number of bus links.

7.5. Temporary Permission – Regard to Metro North

- 7.5.1. It is provided that Metrolink services are scheduled to commence in 2027 and that the proposed change of use will not impact the design or density of development within Northwood and does not compromise the Metro Economic Corridor in any way. The First Party consider that granting a change of use within an existing retail warehouse unit to a commercial/leisure facility would support and maximise activity along the Metro Economic Corridor in the short-term and promote the creation of a sustainable mixed use at Northwood. Also, that the proposed development will in no way limit or prejudice the planning of Metrolink that is scheduled for commencement of services in 2027.
- 7.5.2. It is considered that a precedent for a change of use from retail warehouse has been set in more recent decisions relative to these units. There is a recent history of temporary changes of use been granted relative to the Metro North issue as noted in the planning history and the relevant section above. It is noted that the application as submitted does not refer to a temporary permission. However, the First Party response to the appeal considers the proposal in line with the Metro Economic Corridor zoning objectives and does not object to the inclusion of such a temporary condition.
- 7.5.3. It is noted that the Council's permission relative to the current application, is for a temporary period of 7 years (Condition no. 4 refers) and would take the 2027 date referred to relative to Metrolink into account. Having regard to these issues, I would recommend, if the Board decides to permit that a similar type temporary condition be included.

7.6. Development Contributions

- 7.6.1. Regard is had to Section 10 *Exemptions and Reductions* provided for within the Fingal Development Contributions Scheme 2016-2020.

Section 10(i)(n) provides exemption for: *Internal layout alterations where no additional floor area is created and external walls are not being removed.*

Section 10(i)(r) for: *Change of use applications are exempt unless the revised usage constitutes a substantial intensification of use of the building or services.*

Therefore, in accordance with the Scheme, development contributions would not apply as the proposal which includes the removal of the mezzanine floor area would be within these exemptions.

- 7.6.2. It is also noted that development contributions were levied relative to the parent permission as originally permitted for Gulliver's Retail Park. In view of the above and the temporary nature of the proposed development I would not consider it appropriate to include a Section 48 development contribution condition in this case.

7.7. Screening for Appropriate Assessment

- 7.7.1. The proposed development comprises the change of use of an existing commercial unit within a serviced development. Consequently, it is not considered that appropriate assessment issues arise or that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on any European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the temporary nature, and limited scale of the proposed change of use development, to the planning history of and pattern of development within Gulliver's Retail Park, to its location on lands zoned for ME (Metro Economic Corridor) uses and within a designated Level 4 retail centre and to the detailed policies and objectives of the Fingal County Development Plan 2017 to 2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would, not be detrimental to the character and amenities of the area, or to public health 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 further plans and particulars received by An Bord Pleanála on the 8th day of April, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission permits the change of use from retail warehouse to commercial leisure, specifically an indoor activity centre with ancillary café in Unit C7 for a period of 7 years from the date of this permission, unless before the end of that period permission for the continuance of the use beyond that date has been granted.

Reason: To enable the development to be reviewed, in the interest of the proper planning and sustainable development of the area, having regard to the circumstances then prevailing.

3. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:-
 - (a) appropriately scaled elevational drawings of the proposed signage to be erected on the front external elevation of Unit C7, and
 - (b) details of any roller shutters, roller shutter boxes or other security shuttering (to be open grille type, dark coloured and installed internally behind the line of glazing).

Reason: In the interest of visual amenity.

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. Parking arrangements to serve the unit shall comply with the requirements of the planning authority for such works.

Reason: In the interests of public safety.

6. The hours of operation shall be between 0900 hours and 2200 hours Monday to Sunday inclusive.

Reason: In the interest of the residential amenities of property in the vicinity.

(a) The noise level from the unit shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive residential location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time.

(b) No music or other amplified sound shall be broadcast externally. Noise emanating from the premises shall be such as not to cause nuisance to the occupants of adjacent properties and users of the public road.

(c) Audible tonal or impulsive components shall be minimised at any noise sensitive location.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenities and orderly development.

- 7(a) The construction of the development including the demolition of the mezzanine floor 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 noise management measures and off-site disposal of construction/demolition waste.

- (b) 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. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

Angela Brereton
Planning Inspector

17th of July 2020