



An
Bord
Pleanála

Board Direction
BD-002200-19
ABP-302099-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/01/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the town centre location of the site, to the zoning of the land in the current Fingal development plan, to the provisions in the National Planning Framework and the Guidelines for Planning Authorities on Urban Development and Building Heights (December 2018) encouraging higher densities in town centre locations, it is considered that, subject to compliance with the conditions set out in this Order, the proposed development would not be contrary to the provisions of the current development plan, adversely impact on the Skerries Conservation Area, be seriously injurious to the amenities of residential properties in the vicinity, endanger public safety by reason of traffic hazard or be otherwise contrary to the proper planning and sustainable planning of the area.

Appropriate Assessment Screening

The Board noted the Screening for Appropriate Assessment Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination and adopted the conclusions and recommendations in this regard. The Board was therefore

satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any other European sites, in view of the sites' conservation objectives.

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 submitted on the 28 day of May 2018, 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 retail area at ground floor level shall be used only as a shop as referred to in Class1, Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and as defined in Article 5 of the regulations referred to. The shop shall be open to the public only between the hours of 08:00 and 22:00 Monday to Friday and between 09:00 and 18:00 on Saturday, Sunday and public holidays. Goods deliveries to the shop shall not take place between the hours of 22:00 and 07:00.

Reason: To protect the amenities of residential properties in the area.

3. Any security shuttering provided on the windows/glass doors of the retail unit shall be of an open grill type and shall be installed behind the line of glazing. Glazing on the retail unit shall be of clear glass and devoid of graphics. No

signs other than those indicated on drawing AI- 101 received by the planning authority on 28 May 2018, except exempted development, shall be erected on the premises without a prior grant of approval. Prior to the commencement of development, the developer shall submit to the planning authority for its written agreement details of the proposed lettering of the signage and of the stone proposed on the front and side elevations.

Reason: In the interests of visual amenity and to protect the character of the Skerries Architectural Conservation Area.

4. Connections to water and drainage facilities shall be in accordance with the requirements of the planning authority.

Reason: In the interests of public health.

5. The boundary wall at the side of the vehicular entrance from Callaghan's Lane shall not exceed 0.9 metres in height and the vehicular entrance shall be 4 metres in width. Any gate at the entrance shall open inwards only. A 0.9 metre wall shall be constructed projecting westwards a distance of 1 metre from the entrance door to the apartments. Details of the wall/vehicular entrance off Callaghan's Lane and the wall at the entrance door to the apartments shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of road safety.

6. Prior to the commencement of development details of a Construction Traffic Management Plan for the development shall be submitted for the written agreement of the planning authority. This plan shall provide for un-inhibited access along Callaghan's Lane during the construction phase of the

development. The lane shall not be used for the of construction materials or the parking of delivery or service vehicles.

Reason: In the interests of road safety.

7. Construction activities shall be confined to between the hours of 08:00 and 19:00 Monday to Friday and 08:00 to 14:00 on Saturdays, unless specifically agreed in writing by the planning authority. Deliveries of construction materials, plant and machinery shall also be confined to these specified times.

Reason: To protect the amenities of residential properties in the vicinity.

8. All public services to the development, including electrical and telecommunications cables shall be located underground.

Reason: In the interests of visual amenity.

9. Prior to the commencement of development, an application shall be made to Fingal Co. Council for an exemption certificate from the provisions of Part V, Section 96 of the Planning and Development Act 2000, as amended, and details of compliance with the Fingal Co. Council Housing Strategy shall be submitted to the planning authority. The developer shall enter into any agreement required by Fingal Co. Council in this regard.

Reason: To ensure compliance with Part V of the Planning and Development Act 2000, as amended.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of public open space facilities. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Board Member

Date: 22/01/2019

Paul Hyde