



An  
Bord  
Pleanála

**Board Direction**  
**BD-008253-21**  
**ABP-309205-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/05/2021.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to

- the location of the proposed development within the B1 Town Centre Zoning of Dunshaughlin which seeks to protect and enhance the special and social character to existing town and village centres and to provide for new and improved town centre facilities and uses as set out in the Dunshaughlin Local Area Plan 2009-2015 (as extended),
- the pattern of recent development in the area,
- the condition and extent of modifications to the vernacular structures and to their limited potential to provide for the upgrade and expansion of an existing Veterinary Surgery, and to
- the overall design of the proposed development which is set back along the east and therefore maintains the views of the Protected Structure St. Seachnall's Church,

the Board considered that the proposed development would not adversely affect the character and setting of the Protected Structure, that the loss of the existing vernacular buildings was acceptable in the context of the current pattern of development along the streetscape and that the proposed development would therefore not seriously injure the visual amenities of the area. The proposed

development was therefore in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the submissions on the file and the recent pattern of development in the area and was satisfied that the loss of the existing buildings was acceptable and that the proposed development would not detract from the character of the area and/or the streetscape. Furthermore, the Board considered that the proposed development was sufficiently distant from the Church so as not to impact on its overall character or setting. The Board considered the information provided with the appeal (dated 20<sup>th</sup> January 2021) including the view of the development and was satisfied that the proposed development would not impede views of St. Seachnall's Church. Furthermore, the Board did not consider that the Inspector's proposal to omit by condition the office element of the development, located at first floor on the east of the building, was warranted in this context as this element of the development would not significantly impede views of the Church. The Board considered that the proposed development was therefore in accordance with the proper planning and sustainable development of the areas.

### **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 3rd day of November 2020 and by the further plans and particulars received by An Bord Pleanála on the 20th day of January 2021, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

6. The proposed shopfront shall be in accordance with the following requirements:-

(a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,

(b) lighting shall be by means of concealed neon tubing or by rear illumination,

(c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(d) external roller shutter shall not be erected and any internal shutter shall be only of the perforated type, coloured to match the shopfront colour

(e) no adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of visual amenity.

7. Car parking areas to serve the development shall be located to the rear of the building only and accessed via the northwest-west side of the site. The developer shall provide ramps at the new car park access at the north-west side, together with sufficient warning signage for vehicles, and dropped tactile paving for the benefit of pedestrians using the main footpath.

The layout of the proposed car parking spaces and access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian and traffic safety and of visual amenity.

8. 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 amenities of property in the vicinity.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to

commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

10. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

13. 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.

14. 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.

Board Member

Maria Fitzgerald

Date: 24/05/2021

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Maria FitzGerald