

An
Coimisiún
Pleanála

Direction
BD-019924-25
ABP-320486-24

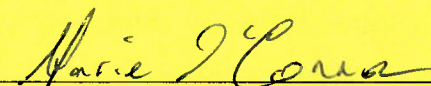
The submissions on this file and the Inspector's report were considered at a meeting held on 29/05/2025.

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

Planning

Commissioner:

Date: 09/07/2025


Marie O'Connor

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the proposed development within an area zoned TC-Town Centre and within the Lusk Architectural Conservation Area (DF-ACA-15) of the Fingal Development Plan 2023-2029 which has a policy SPQHP4 Town Centre First and an objective CSO23 – Town Centre Regeneration which is to continue to develop and promote a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development and provide for a mix of uses within these areas, including arts, educational, cultural, community and residential uses as appropriate it is considered that the expansion of the Lusk Community Cultural Centre on this site would not impact negatively on the historical

character of the area or on adjoining residential amenity and would be in accordance with proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission the Commission had regard to the totality of the documentation submitted with the application and the appeal and considered that it demonstrated that a sensitive design approach was adopted, with direction taken from traditional forms and dimensions that respects the established character of the Lusk Architectural Conservation Area (DF-ACA-15) in terms of scale, massing, proportions and materials of the adjoining buildings, in accordance with the section 10.5.2.2 and Table 14.23 and Table 14.24 of the Development Plan.

The Commission considered that the scale, mass and height of the proposed development in the context of being within the Lusk Architectural Conservation Area (ACA), the adjoining St. MacCullin's Church, church tower and graveyard and to the adjacent two storey contemporary residential development, was in keeping with the existing use of the site as a cultural centre, the scale of the agricultural barn on-site that is to be demolished and other agricultural buildings in the vicinity, and was not excessively high and albeit visible from certain vantage points it would not, due to its 2 storey barrel roof seen as an extension and replacement of the existing barn located behind the cottage, seriously detract from the setting of the Protected Structures in the vicinity.

The Commission considered the wording of Policies HCAP12 – Interventions to Protected Structures, HCAP14 – Architectural Conservation Areas and HCAP15 – Character of Architectural Conservation Areas of the Development Plan and determined, taking the totality of the submissions and the additional information received with the appeal, that no material contravention of these policies would arise as the policies are general in nature and allow for sympathetic, sensitive and appropriate development within an ACA which contributes positively to its character. The Commission considered that taking the totality of the proposed development of the overall site as an expansion of the Community Cultural Centre which can support town centre regeneration in line with Policy SPQHP4 – Town Centre First, Policy HCAP1- Fingal Heritage Plan and the Lusk for Life Town Centre First Plan 2024-2032 that the proposed development can be successfully integrated into the Lusk

ACA whose description states that 'the intermingling in the streetscapes of vernacular buildings with taller houses and more formal architecture is a defining element of the special architectural character of Lusk'.

The Commission agreed with the Inspector that, subject to specific conditions regarding the recommendations in the Archaeological Impact Assessment reports submitted with the application and appeal, the proposed development would not significantly impact on buried archaeological sites and features in the area.

In disagreeing with the Inspector and having regard to the site context, in particular the location within an Architectural Conservation Area, and a zone of archaeological notification and the proximity of the site to the adjoining site of architectural interest which is listed as a Protected Structure in the current Development Plan for the area, the Commission were satisfied that, taking into consideration the design, scale and nature of development in the adjoining area and the additional information submitted with the appeal, that the proposed development does not seriously detract from the setting of the Protected Structures, is sited and designed appropriately and given the general wording which allows for an overall judgement based on the totality of the documentation available which includes the Visual Impact Assessment, does not materially contravene Objective HCAO10- Context of Archaeological Monuments of the Fingal Development Plan.

Regarding the inspectors 2nd recommended reason for refusal the Commission concurred with the planning authority – Transportation Section, that although the carparking provision would be deficient in the context of the Zone 2 designation of the site, they were satisfied that Section 14.17.7 and Table 14.19 Car Parking Standards of the County Development Plan provided for the number of spaces that will generally be permitted and that complementary uses are to be encouraged which can include the use of third party parking facilities in the vicinity for events. The Commission considered the totality of the information submitted demonstrated that given the location of the site close to the Town Centre and within 220m of two bus stops on Station Road, within 40m of Zone 1, and given the proposed use of the building as a cultural/community venue with a capacity of 150 that 22 carparking spaces with the option to use complementary car parks in the vicinity of the site for events would be appropriate and would not create traffic congestion or lead to

conditions which would endanger public safety by reason of traffic hazard on the public roads in the vicinity.

The Commission did not share the Inspector's concerns in relation to the proposed Market stalls and is satisfied that given the proposed open design of the stalls, that they are not located on the boundary with the historic graveyard, and the proposed landscaping of the boundary would provide screening, that they would not have an adverse impact on the adjoining graveyard and protected structures or the residential amenity of the adjoining dwellings.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Appropriate Assessment Screening Report and other documentation submitted with the application to Fingal County Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

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 the planning authority on the 21th day of May 2024, and an Bord Pleanála on the 07th day of August 2024 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 five lightweight market stalls shall be located on the eastern section of the site in accordance with Site Layout Plan – Proposed (Drawing no. A.03.01.4 dated 20/05/24) lodged with the planning application on 21 May 2024.
3. All recommendations and mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment Reports by Aidan O’Connell dated 12th September 2017 and 31 May 2024 and the Archaeological Impact Assessment Report by Bart Korfanty dated 18th January 2024, shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

4. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and the implementation of agreed preservation in-situ measures associated with the development, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS)]. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

5. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

6. The developer shall submit a Car Park Management Plan and details of car parking design (including the provision of 10% of spaces as EV charging spaces), layout and management to the planning authority for agreement in writing prior to the commencement of development. The Plan should include a proposal, with a letter of consent, for the provision of complementary car parking, within walking distance of the development, specifying the number of car parking spaces which will be available.

Reason: In the interest of sustainable transport and safety.

7. 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 commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of public health and visual amenity.

8. No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the Architectural Conservation Area and the Protected Structure.

9. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
(b) All windows and roof lights shall be double-glazed and tightly fitting.
(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.
(d) No amplified music or other specific entertainment noise emissions shall be permitted within the multi-use open space/market stall/carpark area.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity and the character of the Architectural Conservation Area and the Protected Structure.

10. All service cables associated with the proposed development (such as electrical and telecommunications) 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 amenity.

11. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann to provide for a service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

12. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

13. 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 and/or permeable 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 furniture, including market stalls, bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;

(e) details of the location of protective fencing and other tree protection measures.

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

Reason: In the interest of visual amenity.

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 Coimisiún 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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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