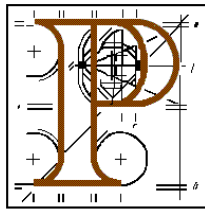


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0181

An Bord Pleanála Reference Number: PL 06F.245572

APPEAL by Donabate Portrane Community Council of The Cottage, The Square, Donabate, County Dublin and by Keelco Limited care of Brock McClure of 63 York Road, Dun Laghaire, County Dublin against the decision made on the 8th day of September, 2015 by Fingal County Council to grant subject to conditions a permission to Drumargh Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: A mixed use (retail convenience foodstore, retail units and café/restaurant units) development in three number Blocks as follows: (1) Block 1: three storey structure (with plant room at roof level) comprising four number retail units at ground floor level, internal ESB substation, car park at ground and first floor level providing for car and bicycle parking spaces, and a licensed retail convenience foodstore at second floor level (1,217 square metres net floor area) including an off licence; (2) Block 2: change of use of existing residential dwelling and provision of an extension to now provide for a single storey café unit with elevational signage; (2) Block 3: provision of a single storey café/restaurant unit including elevational signage; (4) demolition of shed structure, removal of portacabin and construction of a public plaza development with landscaping, seating and car and bicycle parking to serve Blocks 2 and 3; (5) utilisation of existing vehicular and pedestrian access with associated widening and improvements, including provision of a right hand turn on Turvey Avenue; (6) new internal access roundabout with associated landscaping; (7) loading bay; (8) landscaping; (9) boundary treatments and (10) all ancillary site and engineering works to facilitate the development on lands at Turvey Walk fronting Turvey Avenue, adjacent to Donabate Train Station and the residential development of The Gallery, Donabate, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the site location and zoning of the site, the pattern of development in the vicinity, to the provisions of the Fingal County Development Plan 2011-2017, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of retail impact, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 13th day of August 2015, 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. (a) The use of the four number smaller Retail Units facing Turvey Walk shall be consistent with type Class 1 or Class 2 of Part 4, Article 10, 'Exempted Development' – 'Classes of Use', as set out in the Planning and Development Regulations, 2001, as amended.
- (b) Prior to the commencement of development, full details of the occupier/use of the retail, café and restaurant units shall be submitted for the written agreement of the planning authority.
- (c) Prior to the commencement of development, the developer shall submit details of opening hours of the retail units (Including the anchor supermarket), café and restaurant unit for the written agreement of the planning authority.

Reason: In the interest of clarity and orderly development.

3. No deliveries shall be made to any of the retail, café and restaurant unit before 0700 hours and after 2200 hours Monday to Saturday and before 0900 hours and after 2200 hours on Sundays and Bank Holidays.

Reason: In the interest of residential amenity.

4. Prior to the commencement of any trade of the anchor retail unit, the street side retail units, café (Block 2) and restaurant (Block 3) shall be fully constructed and completed, to the written agreement of the planning authority.

Reason: To ensure timely and satisfactory completion of the entire development.

5. The following engineering requirements of the planning authority shall be complied with in full:
 - (a) The detailed design of the pedestrian crossings shall be agreed in writing with the planning authority prior to construction.
 - (b) Stages 2 and 3 of the Road Safety Audit shall be completed. The recommendations of all stages of the Road Safety Audit shall be implemented to the written satisfaction of the planning authority.

- (c) The road layout accessing the site shall be amended to provide for turning radii at the entrance to the site of no more than 6 metres and the road access to the south of the proposed roundabout shall be no more than 6.5 metres between kerbs.

Reason: In the interest of traffic and pedestrian safety and to ensure adequate infrastructure provision

6. Prior to commencement of construction of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Prior to commencement of development, details of paving and external lighting shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of amenity and public safety.

8. (a) Details of all signage shall be the subject of a separate planning application.
- (b) Neon advertising signs/internally illuminated signs shall not be permitted.
- (c) Security shutters, if required, shall be located behind the windows and shall be of the lattice see-through type. Full details shall be submitted to the planning authority for written agreement.

Reason: In the interest of the amenities of the area/visual amenity.

9. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a Landscaping Scheme for the entire site, including in particular, landscaping to the North and East boundaries of the site. The Landscaping Scheme shall be fully implemented within six months of the opening of retail units/foodstore.

Reason: In the interests of visual amenity.

10. None of the units shall be occupied until all roads, footpaths, public lighting, underground services, car parking and landscaping have been completed to the written agreement of the planning authority.

Reason: In the interest of the proper planning and orderly development.

11. All service cables associated with the proposed development 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.

12. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

13. Water supply and drainage arrangements, including the attenuation and 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.

14. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

15. 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 -
- (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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (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.

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 site and to secure the preservation and protection of any remains that may exist within the site.

16. 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 the 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.

17. 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, as amended, in respect of upgrade works to junction of Hearse Road and Turvey Avenue. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.