



An
Bord
Pleanála

Board Order
PL 06F.248978

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0285

Appeal by David O'Toole of 'Carrowmore', Tennis Court Lane, Skerries, County Dublin against the decision made on the 14th day of July, 2017 by Fingal County Council to grant subject to conditions a permission to Moriarty Foodmarkets Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Alterations to previously approved application, planning register reference number F14A/0527, comprising reconfiguration of approved first floor levels to numbers 56, 57 and 58 Church Street to replace three number previously approved office units with three number two-bedroom dual aspect apartments, each with a south-west facing balcony. Works to comprise (i) reconstructed roof with increased ridge height, new front facade and revised fenestration to ground floor rear elevation at number 56 Church Street; (ii) first floor extension, reconstructed roof with increased ridge height, new front facade and revised fenestration to ground floor rear elevation at number 57 Church Street; (iii) revised fenestration to front elevation and ground floor rear elevation at number 58 Church Street; (iv) reconfiguration of ground floor retail units and stairs to provide for rear and front access to first floor level apartments.

Development also includes apartment bin and cycle store to be provided in the car park to the rear; five number car parking spaces assigned to the proposed apartments in the existing car park to the rear immediately adjacent to the proposed apartment units (incorporating 'residential parking only signage' and retractable bollards); together with all ancillary works necessary to facilitate the development, all at 52-58 Church Street, Skerries, 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 condition 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 provisions of the Fingal Development Plan 2017-2023, including zoning objective 'TC' in relation to Town and Districts Centres, and Objective Skerries 3, which encourage the inclusion of a residential element in redevelopment proposals, to the nature and scale of the proposed development which seeks alterations to a previously permitted development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or detract unduly from the character or setting of Skerries Architectural Conservation Area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise to 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 16th day of September, 2015 under planning register reference number F14A/0527, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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.

4. (a) The car parking spaces proposed to serve the apartments shall be reserved solely for use by the occupants of the apartments and/or visitors to the apartments. A revised site layout showing the provision of five car parking spaces shall be submitted to and agreed with the planning authority prior to commencement of development. Spaces shall not be sold separately, or let to avoid non-take-up of residents.
- (b) The practice of night-time closing of the adjoining car park which serves the supermarket shall continue and arrangements shall be put in place to ensure occupants of the apartments can access the car spaces reserved for their residential parking after the car park closes.

Reason: To provide for suitable car parking for future occupants of the apartments.

5. The following requirements in relation to façade design shall be complied with in full:-

- (i) No windows fronting onto Church Street shall comprise of obscure glazing;
- (ii) The windows on the Church Street elevation shall be up and down sliding timber sash windows;
- (iii) There shall be no projecting signage or projecting external lighting. Prior to commencement of development, the developer shall submit to and agree in writing with planning authority, details of all façade signage;
- (iv) The roofs of numbers 56, 57 and 58 Church Street shall comprise natural slate. Prior to commencement of development the developer shall submit to and agree in writing with the planning authority, details (including samples) of the natural roof slate. The natural roof slate shall match as closely as possible the historic slate used in the area which has a blue or purple hue rather than stark black, and
- (v) All rainwater goods shall be metal.

Reason: To protect the amenities of the Architectural Conservation Area.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, and apart from the signage agreed under condition number 5 (iii) above, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Prior to commencement of development, the developer shall submit to and agree in writing with planning authority, the report of the consultant engineer on the structural condition of properties removed at numbers 55, 56 and 57 Church Street.

Reason: To protect the amenities of the Architectural Conservation Area for Skerries.

8. The management and maintenance of the proposed apartment development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of all communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. Proposals for a name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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 lieu of 0.01 hectares of public open space. 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.

