



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0401

Appeal by Jim Seaver of 49 Strand Street, Skerries, County Dublin against the decision made on the 21st day of June, 2018 by Fingal County Council to grant subject to conditions a permission to Calvaire Holdings 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: Demolition of the existing single storey retail structure and the construction of a two-storey mixed use retail and residential structure. The proposed development comprises one number retail unit at ground floor with associated elevational signage and two number one-bedroom apartment units at first floor level with balconies, new vehicular access off O'Callaghan's Lane, two number car parking spaces, landscaping, boundary treatments and all associated site and engineering works necessary to facilitate the development, all at 51 Strand Street and corner of O'Callaghan's Lane, 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 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 town centre location of the site, to the zoning objectives for the land, as set out in the current Development Plan for the area, to the provisions in the National Planning Framework and the “Urban Development and Building Heights Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in December 2018 encouraging higher densities in town centre locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the provisions of the current Development Plan, would not adversely impact on the Skerries Conservation Area, would not seriously injure the amenities of residential properties in the vicinity, would not endanger public safety by reason of traffic hazard and would not, therefore, be 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 28th 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 0800 and 2200 from Mondays to Fridays and between 0900 and 1800 on Saturdays, Sundays and public holidays. Goods deliveries to the shop shall not take place between the hours of 2200 and 0700.

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 Number AI-101 received by the planning authority on the 28th day of May, 2018, except exempted development, shall be erected on the premises without a prior grant of approval. Details of the proposed lettering of the signage and of the stone proposed on the front and side elevations shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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 interest of public health.

5. The boundary wall at the side of the vehicular entrance from O'Callaghan's Lane shall not exceed 0.9 metres in height and the vehicular entrance shall be four 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 one metre from the entrance door to the apartments. Details of the wall/vehicular entrance off O'Callaghan's Lane and the wall at the entrance door to the apartments shall be submitted to, and agreed in writing with, the planning authority prior to 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 to, and agreed in writing with, the planning authority. This plan shall provide for uninhibited access along O'Callaghan's Lane during the construction phase of the development. The lane shall not be used for the storage of construction materials or the parking of delivery or service vehicles.

Reason: In the interest of road safety.

7. Construction activities shall be confined to between the hours of 0800 and 1900 from Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays, unless otherwise agreed in writing with 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 service cables associated with the proposed development (such as electrical and telecommunications cables) shall be located underground.

Reason: In the interests of visual and residential amenity.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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.

Paul Hyde

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

Dated this day of 2019.