

An
Bord
Pleanála

Board Order
ABP-313536-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0093

Appeal by Marian and Tom Lyons of 62 Martello Court, Portmarnock, County Dublin against the decision made on the 14th day of April, 2022 by Fingal County Council to grant subject to conditions a permission to Better Value Unlimited Company of 46-50 South Great George's Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Reconfiguration and change of use of back of house/staff welfare areas on the ground floor to form a new in-shop post office (33.43 square metres); small first floor extension (108.926 square metres) to provide staff welfare area; temporary permission for the use of two number portable cabin structures (36.43 square metres) to provide staff welfare facilities during construction and all other ancillary site works and services, all at Dunnes Stores, Wendell Avenue, Portmarnock, 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, and the location of the site on lands zoned 'LC', it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning provisions of the site, as set out under the Fingal County Development Plan 2017-2023, and would not adversely impact on the existing residential amenities of the area, including by way of overlooking, noise and car parking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The temporary portacabin structures shall be removed from the site on completion of the works permitted, for reconfiguration works and first floor extension.

Reason: In the interest of clarity.

3. The glazing within the two number high level windows on the western elevation of the proposed extension shall be manufactured opaque and permanently maintained.

Reason: In the interest of residential amenity.

4. The Post Office use and welfare space hereby permitted shall be restricted only to that as described in the public notices received by the planning authority on the 28th day of February, 2022. Any change from this permitted use or increase in the area to be used shall be the subject of a prior grant of planning permission.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water if required and shall adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water standards codes and practices.

Reason: In the interest of public health.

7. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

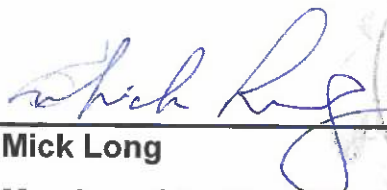
Reason: In the interest of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. 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 the Board 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.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 1 day of March, 2023.