

An
Bord
Pleanála

Board Order
ABP-313836-22

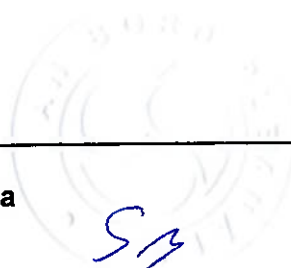
Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0708

Appeal by Gerard Ronan and others care of 8 Turvey Green, Donabate, County Dublin and by Anthony Cunningham of The Barricks, Turvey, Donabate, County Dublin against the decision made on the 25th day of May, 2022 by Fingal County Council to grant subject to conditions a permission to Packside Limited care of Downey Planning of 29 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Single storey retail development consisting of one number retail supermarket of 1,320 square metres net floorspace (1,835 square metres) (including ancillary off-licence) and additional associated storage, staff facilities, plant room, loading bay, signage, 80 number car parking spaces at surface level and 16 number bicycle parking spaces at surface level, landscaping, boundary treatments and all associated site and engineering works necessary to facilitate the development, including moving of proposed bus stop on Turvey Avenue, all at lands at Turvey Avenue, Donabate, County Dublin (the site adjoins a Protected Structure).

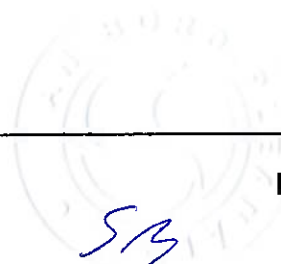


Decision

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

Reasons and Considerations

Having regard to the provisions of the Retail Planning Guidelines issued by the Department of the Environment, Community and Local Government in May 2012, the objectives of the Fingal County Development Plan 2023-2029, the TC Town and District Centre zoning that applies to the site, and the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the existing retail, residential or visual amenities of the area, would not result in an overconcentration of retail in the area, or be materially contrary to the Retail Planning Guidelines; would not detract from the character and setting of the Newbridge Demesne and The Square Architectural Conservation Area, or the character and setting of protected structures in the 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 proposed 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 28th day of April, 2022, 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 hours of trading shall be between 0800 hours and 2100 hours Mondays to Saturdays and between 0900 hours and 1900 hours on Sundays. Deliveries shall not take place outside of the hours of trading and shall take place within the confines of the site only.

Reason: In the interest of the residential amenities of property in the vicinity.

3. Details, including samples, of the materials, colours and textures of all the external finishes, including external glass, to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

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

4. (a) Signage shall comprise of the store name in solid steel lettering affixed directly to the building's façade and at the entrance to the site in accordance with the Architectural Design Statement and elevations received by the planning authority on the 28th day of April, 2022. Details of signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) No advertisement or advertisement structure (other than that permitted under Condition 4(a) above) shall be erected or displayed on the building or DRS Unit, or within the curtilage of the site, in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: To ensure that advertising signs are kept to a minimum and designed to respect the location of the site within an Architectural Conservation Area.

5. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising.

Reason: In the interest of visual amenity.

6. Comprehensive details of the proposed public lighting system to serve the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting, including car park lighting, shall be of a type that ensures the deflection of light downwards and such lighting on the building shall be cowled. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

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

7. Noise emissions from the rooftop plant shall not exceed 45dB LAeq,T .00 as measured from the nearest noise sensitive location. Once the plant has been installed, an acoustic assessment of the fan shall be carried out from the nearest noise sensitive location and shall be submitted to the planning authority. Should the measurements exceed acceptable levels, mitigations measures shall be provided to reduce noise levels.

Reason: In the interest of protecting residential amenity and public health.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. 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.

Reason: In the interest of visual amenity.

10. (a) A revised landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall provide for additional planting of trees, shrubs and hedging of indigenous species within the parking area and along the eastern and northern site boundaries sufficient to form dense continuous screens. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development in the interest of visual amenity.

11. The developer shall retain the services of a Landscape Consultant throughout the life of the site development works to oversee the implementation of the approved landscape plan. A completion certificate shall be signed off by the Landscape Consultant when all works are completed and in line with the submitted landscape drawings and in accordance with the Arboricultural Assessment Report in relation to tree/hedgerow retention, protection and monitoring. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.

Reason: In the interest of amenity.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.



13. (a) A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points to allow for functional electric vehicle charging. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for a means of ensuring that parking is used to serve the proposed development only and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development and also to prevent inappropriate commuter parking, and in the interest of sustainable transport.

14. The construction of the proposed development shall be managed in accordance with a Construction and Environmental 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 hours of working, appropriate mitigation measures for noise, dust and vibration, off-site disposal of construction/demolition waste, details of how it is proposed to manage excavated soil, and details of the timing and routing of construction traffic to and from the construction site.

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

15. 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.

16. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

17. All service cables associated with the proposed development (such as electrical, telephone and public lighting cables) shall be run underground within the site.

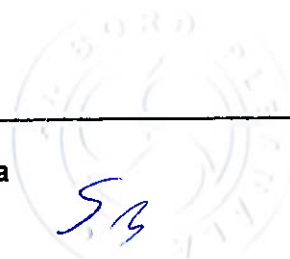
Reason: In the interest of orderly development and to protect the visual amenities of the area.

18. 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) Engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to co-ordinate a programme of archaeological mitigation at the pre-construction stage of the proposed development.
- (b) The archaeologist shall clarify the nature of the ground impacts in light of the final design proposals in advance of commencement of any archaeological excavations.
- (c) The archaeologist shall provide detailed recommendations for archaeological mitigation and provide a schedule that shall outline the archaeological investigations which will further clarify the extent of archaeological remains within the development site. The schedule shall detail the arrangements for the excavation of human remains and the archaeological features that have been identified following the testing already carried out at the development site and any other features that are identified as a result of expanded archaeological testing.

- (d) The archaeologist shall carry out further pre-development testing at the site. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (e) The archaeologist shall be required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This shall allow the archaeologist sufficient time to obtain a licence to carry out the work.
- (f) The archaeologist shall carry out any relevant documentary research and shall excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans. Having completed the work, the archaeologist shall submit the schedule of works in the form of a written report to the planning authority and to the Department of Housing, Local Government and Heritage.
- (g) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring shall be required and the Department of Housing, Local Government and Heritage shall advise the developer with regard to these matters.
- (h) No site preparation or construction works shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.

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.



19. 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.




Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 24th day of Jan 2024.