



Inspector's Report

Development: A mixed use development including retail foodstore, retail units and cafe/restaurant, over 3 blocks and all associated works. Lands at Turvey Walk, fronting Turvey Avenue adjacent to Donabate Train Station and The Gallery, Donabate, Co Dublin

Planning Application

Planning Authority: Fingal County Council
Planning Authority Reg. Ref.: F15A/0181
Applicant: Drumragh Ltd.
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s):
1. Donabate Portrane Community Council
2. Keelco Limited

Type of Appeal: Two 3rd Party

Observers:
1. Paul Mulville
2. Breda Dockrell and Jim O'Donohoe

Date of Site Inspection: 16th January 2016

Inspector: Fiona Fair

Appendices:
Photographs & Site location Map
Extracts from the Fingal CDP 2011 – 2017
Donabate LAP 2006
Donabate Urban Centre Strategy 2010

1.0 SITE DESCRIPTION

The appeal site, with a stated area of 0.496 hectares is located at Turvey Walk, on the southern edge of Donabate, in north County Dublin.

The site is located adjacent to Donabate Railway Station and is within a short distance (c.200m) of the village centre.

The site currently comprises of a Greenfield site which is bound by a mix of fencing and walls and appears to be unused due to the prevalence of construction materials, gravel and dirt piles left on site.

A segment of the proposed site is located on the western side of Turvey Walk and includes the building and associated grounds of a single storey cottage. The appeal site is bound on its southern edge by Turvey Avenue, to the east by car parking associated with the Train Station and by the Dublin-Belfast Railway line, to the north by an incomplete apartment development which forms part of the larger Gallery's Residential Development and to the west by adjoining residential dwellings.

An internal access road Turvey Walk, dissects the site leading to the Gallery residential development. Another internal access road runs along the north of the appeal site connecting Turvey Walk to the Train Station car parking area. The western side of Turvey Walk internal access road is landscaped with trees lining both sides of a pedestrian path.

2.0 PROPOSAL:

Planning permission is sought for development that will consist of:

- A mixed use (retail convenience foodstore, retail units and cafe/restaurant units), development in 3 no. Blocks as follows:
 - 1) **Block 1:** 3 storey structure (with plant room at roof level), comprising:
 - 4 no. retail units at ground floor level,

- Internal ESB substation,
 - Car park at ground and first floor level providing for car and bicycle parking spaces,
 - A licensed retail convenience foodstore at second floor level (1,217 sq. m. net floor area) including an off licence;
- 2) **Block 2:** change of use of existing residential dwelling and provision of an extension to provide for:
 - A single storey cafe unit with elevational signage;
- 3) **Block 3:** provision of:
 - A single storey cafe/restaurant unit including elevational signage;
- 4) Demolition of shed structure, removal of portacabin and construction of:
 - A public plaza development with landscaping,
 - Seating
 - Car and bicycle parking to serve Blocks 2 + 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;
- 10) All ancillary site and engineering works necessary to facilitate the development.

The application is accompanied with:

1. Planning Support Statement
2. Retail Report
3. Transportation Impact Assessment
4. Appropriate Assessment Screening Report
5. Road Safety Audit
6. Architectural Design Statement
7. Visual Impact Assessment

3.0 PLANNING AUTHORITY'S DECISION

Following a request for further information with respect to 1. Nine Transportation Issues; incl. TIA, visibility at site access, revised design of access, assessment of alternative internal layout, swept path analysis of roundabout, pedestrian crossings, road cross sections, details of ramp design and road safety audit. 2. Surface water drainage. 3. Impact upon the main trunk water supply pipeline to Donabate. 4. Pedestrian access from Turvey Avenue to the train station. 5. Revised design, finish and façade detail. The Planning Authority **Granted** planning permission for the proposed development subject to 19 no. conditions. Conditions of note are set out / summarised as follows:

Condition 3

The following engineering requirements of the Transportation Planning Section shall be complied with in full: (a) The developer shall construct a pedestrian refuge on the eastern approach to the junction with Turvey Avenue to the satisfaction of the Planning Authority. (b) The detailed design of the pedestrian crossings shall be agreed in writing with the Planning Authority prior to construction. (c) 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 Road Authority.

Condition 7

External finish of the building (solid brick, render and cast iron railings as indicated on the submitted plans), to be agreed with the p.a. Details of all materials to be used in the proposed footpaths and public areas of this development and details of the public lighting on site to be agreed.

Condition 10

Use and opening hours of all Retail Units to be agreed.

Condition 11

Deliver times restricted. No deliveries shall be made to any of the retail, café and restaurant units between the hours of 23.00 (11 pm) and 7.00 (7am) Monday to Saturday and not before 9.00 hours (9 am) on Sundays and Bank Holidays. Reason: In the interest of residential amenity.

4.0 TECHNICAL REPORTS

4.1 Planners Report:

The planners report reflects the decision to grant planning permission. It is submitted that given the location of the development and the development of residential units in the area (Beresford to the west of the subject site) it is considered that the proposed development provides for a good retail mix whilst also complementing the existing village centre.

4.2 Transportation Department:

Following a request for further information, report states: 'no objection' to the proposed development subject to stage 2 and stage 3 safety audit being carried out, detailed design of pedestrian crossings to be agreed and construction of a pedestrian refuge on the eastern approach to the junction with Turvey Avenue.

4.3 Water Services:

Following a request for further information, report states: 'no objection' to the proposed development subject to condition.

4.4 Heritage Officer

No objection subject to archaeological monitoring during the construction of the development.

4.5 Irish Water

No Objection subject to condition.

4.6 Iarnród Eireann

No Objection subject to condition.

4.7 Objections/Submissions

A number of submissions were submitted in opposition to and in support of the proposal. Issues of planning concern are similar to the issues raised in the two third party appeals and observation and summarised in detail below in this report.

5.0 APPEAL GROUNDS

5.1 A third party appeal has been lodged by Brock McClure Planning and Development Consultants on behalf of Keelco Limited. The grounds of appeal are summarised as follows:

- Development of the lands should facilitate a residential led mixed use development
- The proposal is contrary to policy set out in the Fingal CDP 2011 – 2017 and the Donabate Urban Centre Strategy (UCS) 2010. In particular Key Area 4 Design Parameters as set out in the Donabate Urban Centre Strategy, June 2010.
- Supermarket use is an inefficient use of land in close proximity to public transport
- Proposal contravenes the design brief for Key Area 4 of the Donabate UCS, 2010, in terms of land use mix and density (residential), minimum non-residential development of 2,500 sq. m and public open space provision that requires 650 sq. minimum.
- The subject site, given its location, should be maximised in terms of housing supply, to help meet current demand.
- Failure to contribute to the public realm and inadequate open space
- Car led development which is unacceptable in such close proximity of the railway station

- While the development of the site should be supported, the proposed mix, density and overall design of this proposal do not provide an appropriate solution for this site in a sustainable development context.
- Proposal is inappropriate in the context of the site location and planning context
- The level and range of retail service provision is limited with poor urban design in terms of the 'civic plaza'
- The extent of the civic space is not defined and is limited in size, width and depth. It is not adjacent to the train station, hidden behind the proposed café, occupied by car parking, includes pedestrian footpaths and the seating provided appears to be associated with the two cafes.
- Proposal does not present a positive frontage to the road, ground floor car park presents dead frontage to 3 sides of Block 1
- The proposal does not efficiently use land
- No pedestrian linkage over the railway line
- Residential, major employment and civic uses have not been provided.
- Building set back – Block 1 is not set back the recommended 3 – 12 m along the entirety of its southern edge.
- The south western corner of this building is particularly close to the road.
- Block 1 represents an unacceptable road frontage treatment for what is potentially a gateway site into Donabate from a westerly direction.
- The FCC planners report fails to provide a detailed analysis of the proposal with respect to Donabate UCS or the Retail Strategy. It also fails to discuss the recorded monuments that are on the site.
- Notwithstanding the residential development to the north of the site and other surrounding residential development, the proposed site on its own merit does not provide an appropriate mix of development types, given its strategic location
- Proposal is contrary to 'Smarter Travel - A Sustainable Transport Future', the 'Greater Dublin Area Transport Strategy, 2011 – 2030' and 'Strategic Framework for investment in Land Transport' (SFILT).

- Proposal to remove an existing residential dwelling from residential use is unacceptable – given residential considerations, site location. The site is ideal for high-density residential led development in accordance with National, Regional and Local planning policy context and site specifically provided for under the UCS.
- Failure to contribute to public realm – removal of trees along Turvey Walk inappropriate.
- The proposal does not facilitate access to surrounding lands, it merely retains existing access routes.
- Appeal accompanied with:
 - Transport Submission by Ti Transport Insights (Oct 2015)
 - The TIA submitted has underestimated the traffic implications of the development proposal
 - The Aldi store upon which the TIA's trip rates have been based has a gross retail area of 1,140 sq. m as verses 1,217 sq. m for the current proposed development. The failure to adjust the data has resulted in an underestimation of 8 two way vehicle trips in the evening peak hour for the anchor retail land use.
 - The TIA appears to have omitted the trip generation potential for the other aspects of the proposed development from the assessment.
 - Traffic generation and traffic distribution processes used in the TIA are deficient
 - Pedestrian access to the development will be constrained
 - The development will be highly car dependent despite its proximity to the train station
 - Car dependency will exacerbate a deficit in on-site car parking provision
 - Submit that demand for onsite car parking will exceed the car parks operational capacity for four hours per day.
 - The TIA and parking accumulation analysis produced by the applicant are therefore deemed deficient, and the outputs of both have informed FCC decision

- The applicant has not demonstrated how the required sightline at the junction of Turvey Avenue and Turvey Walk can be achieved
- Time scale for delivery of the Turvey Avenue Upgrade Scheme is uncertain – proposal is premature
- TIA fails to consider the impacts on a critical junction – Turvey Avenue / Hearse Road
- Expectation that traffic on the Turvey Avenue arm will increase by 20 – 30 % as a result of the proposed development and not 14 – 15% claimed by the applicant.
- In light of the proposed development likely traffic, parking and road safety impacts request that the Board refuse permission.
- It has not been demonstrated that the DMURB recommended visibility splays can be achieved at the proposed revised junction of Turvey Avenue / Turvey Walk

5.2 A third party appeal has been lodged by Larry Carolan, Donabate Protrane Community Council. The grounds of appeal are summarised as follows:

- Concern with respect to traffic congestion within the village
- Proposal is premature in advance of the Donabate by-pass
- The site is unsuitable for a shopping centre and more suitable to housing
- Scale of development represents overdevelopment of the site. Does not respect character of the existing area, railway line or entrance Gateway to the village.
- Too high, negative impact upon nearby Church of Ireland Church and tower and adjoining residential units.
- Car based development which will result in a traffic hazard at entrance and exit from Turvey Avenue.
- RSA was carried out over the summer months and particularly in August is misleading and inadequate. Eliminates all school going traffic. Should be redone.

- No development should take place without putting in place the pedestrian entrance to the railway from the ramp.
- Concern with respect to traffic congestion at Turvey Avenue / Hearse Road Junction
- Concern that cycle network is not accommodated on Turvey Avenue. There is no safe way to cross Turvey Avenue. Development is premature pending safety features being put in place.
- Road widening on Turvey Avenue is essential prior to development taking place.
- The width of Turvey Avenue would not permit articulated lorries from accessing the development without crossing over into oncoming lanes thereby creating a traffic hazard.
- A stone wall to the north of Turvey Avenue is a protected structure and may not be able to be touched.
- Development is premature and unsightly and constitutes over development of the site.
- Appeal accompanied with notification of decision to grant planning permission Reg. Ref. F15A/0181

6.0 RESPONSES

6.1 A 1st Party Response was received from Downey Planning on behalf of Drumargh Ltd. It is summarised as follows:

- The response to the 3rd party appeals, in addition to a response to the issues of concern raised also sets out:
 - Site location and description
 - Planning history
 - Planning merits

I do not intend to summarise information which is repetitive and already set out in detail in this report.

- The population of Donabate is expected to increase over the short to medium term. Anticipated to grow to up to 22,500 over the next 10

years or so resulting in Donabate becoming one of the largest growth centres in the country.

- Significant investment in services has taken place over the period 2010 – 2020. There is a need for retail provision with only 1 major convenience food store retailer operating within Donabate
- Donabate is a designated Level 4 retail centre, it is under provided for in terms of retail.
- The existing retail floorspace within Donabate comprises 2,709 sq. m of both convenience and comparison retail space. The proposed development provides for a total of 1,568 sq. m of retail and café / restaurant floorspace thus providing for a total retail floor space within Donabate of 4,297 sq. m
- The proximity of the site (200m) from the centre of Donabate will not have a negative impact on the vitality and viability of the village.
- The scale of the retail units proposed will represent an extension to the retail core of the village and serve the residential dwellings to the west
- Proposed development will prevent trade loss to nearby towns
- The proposed development will serve the established residential dwellings to the west of Donabate on lands zoned town centre.
- Sequentially a more suitable location could not be proposed / found.
- Sustainable mixed use of lands within walking distance of the train station and residential neighbourhoods.
- Relocation of the proposed retail development on lands outside the town centre is contrary to the policies of sustainable development and retail planning guidelines.
- The subject lands are zoned TC and are the most ideal location for retail development as proposed
- The subject site is suitable for development by reason of underutilisation and poor visual appearance.
- The design has evolved following pre-planning consultation, site assessment and feasibility studies with careful consideration to creating a high quality, landscaped retail development of high quality

urban design and one which encourages passive surveillance at a prominent location

- Aesthetic appearance and design were key considerations with design reference taken from The Gallery Development and Donabate Rail Station.
- The development represents a Gateway development at a strategic location at the entrance to Donabate.
- The development is 3 storey in height in keeping with existing buildings in the area – The Gallery development.
- The proposed development is plan led.
- The development has been designed to ensure ease of accessibility and to ensure car parking is not dominant.
- Provision of internalised car parking represents an efficient use of lands
- The public plaza and associated café/restaurant units comprise glazing and high quality materials and in conjunction with the proposed paving, tree planting and public seating, it is considered that the civic plaza area will allow for both patrons of the café/restaurant to sit outside and utilise the plaza area and members of the local community to utilise the Plaza area.
- The public Plaza is visually dominant and attractive at the entrance to the overall Gallery Development.
- The development fully complies with the policies and land use objectives of the FCDP 2011 – 2018 and with the Donabate LAP.
- The development is in accordance with the objectives of the Donabate Urban Centre Strategy which states that there is potential to accommodate an anchor tenant west of the Railway Bridge.
- The development will create a new focus at a key gateway site and provides a clear incentive for people to walk the length of the Main Street.
- The development presents positive frontages to all roads - particularly to the railway line.

- Provision has been made to accommodate a pedestrian link to the railway line.
- A full TIA and RSA was carried out which clearly confirms that the existing junction to the subject lands would operate satisfactorily in 2016 and 2031 with a max ratio flow to capacity of 0.17 and a max queue length of 1 car in 2031. The RFC in 2031 is significantly below the acceptable level of 0.85 indicating that the junction is operating well within capacity.
- The Transportation Department of FCC have no objection to the proposed development and confirm that the proposed development can be accommodated at this location.
- The recently approved National Forensic Mental Hospital provides a financial contribution toward the junction improvement works at the R126/Turvey Avenue Junction
- The Turvey Avenue upgrade Scheme which is included in Table T04 of the FCDP 2011 – 2017 is designated for completion within the life of the Plan. Completion of this scheme will improve the road layout on Turvey Avenue to the west of the subject site.
- The construction of the R126 Donabate Relief Road between the R132 and Portrane Demense to which FCC have committed funding of €20m between 2016 – 2018. Completion of this scheme will provide a much needed by-pass of Donabate Village Centre and divert significant traffic volumes from the centre of Donabate to the south along the new road
- There are no limitations either daily or seasonally as to when a traffic impact survey / road safety audit can be carried out
- The contention that the traffic flows used in the TIA were not appropriate is without foundation.
- Adjusted survey flows were used for junction assessment in the TIA when a lesser adjusted flow could have been used. Regard being had to seasonal variation as addressed in 'Project Appraisal Guidelines Unit 16.2 Expansion Factors for short Period Traffic Counts', NRA, August 2012.
- The appeal by Drumaragh Ltd is primarily anti-competitive

- The appeal makes continuous reference to a lack of residential development and the requirement for residential development to provide for an appropriate mixed use development. However in order to support residential development services and facilities are required.
- Standards for residential development (i.e. car parking and public open space) cannot be achieved on the lands. This is demonstrated in the reasons for refusal of a mixed use development incl. residential units on the subject lands (Reg. Ref. F06A/1155).
- There are significant residential land banks to the west and north of the site and over 400 residential units to the west of the railway line that are currently un-serviced in terms of retail and café / restaurant use.
- The site contains 2 no. recorded monuments
- The monuments are located on the constructed footpath entering the Gallery and were discovered in 2002 following surveying.
- A condition requiring archaeological monitoring has been applied to the grant of permission and this is welcomed by the applicant in line with condition no. 6 of the planning authority's notification of grant of planning permission.
- The development has regard to the design parameter of Key Area 4
- The pedestrian linkage over the railway line is not provided. This is outside the applicants land ownership and is ultimately at the discretion of Iarnród Eireann to provide as the railway bridge is under their ownership.
- The Donabate UCS is non statutory, design sketches are indicative and for guidance purposes only. Thus the requirements of the Development Plan override any sketch design proposals as set out in the strategy.
- The proposal provides for a range of uses / mixed use development, retail convenience store, a restaurant, a café and 4 no. retail units which will provide for services completely separate to the convenience food store. 4 Units may be of type Class 1 or Class 2 as per the Planning and Development Regulations 2001 – 2015.

- The quality and design of the materials chosen will contribute positively to the local environment.
- The proposal does not necessitate the removal of a significant number of trees which lines the footpath. The trees have been retained where possible and additional planting has been proposed.
- Whilst the hedgerow along Turvey Avenue is to be removed it is being replaced with a public Plaza which includes landscaping.
- The future pedestrian walkway link is 1.5m at its narrowest pinch point and over 3m on entering the car park. It has not been an afterthought it is outside of the ownership of the applicant and accordingly proposals on lands cannot be submitted or developed by the applicant.
- It is ultimately the responsibility of Iarnród Eireann to provide a pedestrian link on their lands.
- Cycle lanes are proposed on Turvey Walk and provision has been made to allow for pedestrian access from Turvey Avenue to the Train Station which will increase connectivity.
- Response accompanied with Transportation Report by Waterman Moylan Consulting Engineers Limited.
 - A Road Safety Audit was submitted which addresses concerns raised by third parties.
 - The convenience store will have a standard net floor area similar to other similar convenience stores of the type proposed.
 - The R126 Hearse Road / Turvey Avenue junction will be upgraded in the near future as part of the Donabate National Forensic Mental Service Hospital
 - There are no significant changes between the 2007 and 2014 editions of the NRA Guidelines
 - Transportation measures and upgrades proposed and summarised above in the main part of this response are reiterated.

6.2 Three responses have been received from the Planning Authority.

The grounds of responses are summarised as follows:

1st Response

- The proposed development has been considered in terms of the Fingal CDP 2011 – 2017, the Donabate Local Area Plan and in terms of the relevant Guidance under section 28 of the Planning and Development Act. Regard was also taken of the Urban Centre Strategy as per Objective UC09 of the FCDP.
- The area character type is 'high density mixed use development area' and suitable uses are given as 'residential (apartments, duplexes, penthouses) over ground floor retail and civic uses. As a rail line reservation exists to the western side of the railway track no over ground development will be permitted in this area. The existing surface car park currently located along this reservation will remain. 'Such a mix of uses were considered at pre-planning but considering the character of the area with significant apartment development whether constructed or permitted and the limitations of the site, the proposed development is considered to be appropriate.
- The location will allow for rail commuters to do their shopping thereby not adding to traffic in the area.
- Retail in Donabate is currently limited and the development will serve Beverton, Beresford and the Gallery's all of which are within walking distance.
- The loss of one house to facilitate a larger redevelopment of an area is considered to be appropriate.
- Open space is not required for commercial development
- Presence of Newbridge Demense Regional Park, within 400m of the site, is highlighted.
- The development is appropriate at this location and will address the retail needs of Donabate.

2nd Response:

- The proposed development is considered appropriate in terms of the 'TC' zoning, its location within Donabate and in terms of availability of services to facilitate the development.
- Access to the development is via the existing road network which is capable of accommodating this development
- The development is not dependent on significant road upgrades and the provision of a pedestrian link to the station whilst desirable is not essential to facilitate this development.
- Request that the Board uphold the decision to grant planning permission.
- Condition 19 to be reattached to any grant of permission forthcoming from the Board.

3rd Response:

- The submission of the first party does not raise any issues which would warrant a change in the decision of the p.a.
- Request that the Board uphold the decision to grant planning permission.

6.3 A response was received from Keelco Ltd. It is summarised as follows:

- Element of residential should be incorporated to provide a sustainable mixed-use development
- Design parameters of Donabate UCS (key policy) in particular Key Area 4 should be referenced.
- Question the usability of the proposed civic plaza.
- Creation of dead street frontages
- The p.a. have not adequately assessed the proposed development against relevant transportation, urban design and urban centre policies and objectives.
- A copy of the Transportation Submission by Ti Transport Insights, Oct 2015 is attached to the submission. This report is summarised above in the preceding section 5.1 of this report.

6.4 A response was received from Larry Carolan, Donabate Portrane Community Council. It is summarised as follows:

- The population of Donabate is expected to increase to over 22,500 in the next 10 years.
- Traffic concerns
- Location of the proposed shopping centre adjacent to the rail bridge will add to congestion
- FCC proposes to build a distributor over the next 3 years but by their own admission this road will only relieve existing traffic in the area.
- Concern with respect to trade draw of an Aldi store at this location (from surrounding towns).
- Concern with respect to the architectural design of the buildings proposed and impact upon the character of the area.
- The nearest bus stop to the appeal site is approx. 500m distant. There is no suitable location for a bus stop due to narrow width of road.
- The development is car led and most shoppers to food stores drive.
- The site is unsuitable for the scale / nature of retail proposed.
- Site more suited to housing with some small scale retail outlets, walkable streetscape to the café, restaurant and pedestrian plaza.
- The Draft LAP for Donabate proposes to build the new distributor road and open up a new commercial street / district within the town centre area. The bulk of zoned lands is to the east of the railway line therefore there is a more viable alternative to the proposed development.

7.0 OBSERVATIONS

7.1 An Observation to the appeal was received from Paul Mulville. The grounds of submission are summarised as follows:

- Support the concerns raised by Donabate Portrane Community Council in their appeal.

7.2 An Observation to the appeal was received from Breda Dockrell and Jim O’Donohoe. The grounds of submission are summarised as follows:

- Support the development of retail on this dilapidated site
- Development potentially provides for a suitable gateway to the village centre
- Support the retention and redevelopment of the existing cottage as a café / restaurant.
- Have serious reservations about the scale of the development
- Concerns with respect to traffic management arrangements and pedestrian access and safety.
- Pedestrian accessibility in the area needs to be improved
- A continuous footpath is required along Turvey Avenue between Turvey woods and Beverton
- Access must be provided from Beverton to the Railway car park through the Gallery; this would reduce the volume of traffic from Beverton to the railway station car park and to other parts of the village.
- The proposed site layout plan shows an unacceptable reduction in the width of the existing footpath on Turvey Avenue at the western end of the ‘Future pedestrian link from railway’ due to the re-alignment of the carriageway. This footpath should be increased rather than reduced.
- Condition 3(a) of the notification of decision to grant permission is unclear.
- If permission is granted, a condition should be included requiring the extension of the right turn lane and the provision of a kerbed island with suitable traffic calming and lighting on the western approach to the Turvey Avenue – Turvey Walk junction. This will require negotiation with Iarnród Eireann.
- Concern with respect to the capacity of the ‘shared off street loading bay’. If permission is granted delivery times of HGV’s should be restricted to evenings nights and early mornings.
- Do not agree with Condition no. 11 which seeks to protect residential amenity by banning night-time delivery, submit that at this specific location this is not a major issue. Priority should be given to avoiding

day time traffic congestion at this key location to maintain safety and ease of access for pedestrians and vehicles.

- The height of the highest parapet of Block 1 (24.15m AOD) is 1.158 meters above the level of the ridge of the apartment buildings in The Gallery (22.992m AOD)
- The scale and height of the development should be reduced by setting back the southern façade (facing Turvey Avenue) by a few metres and lowering the floor to ceiling heights of the two lower floors of Block 1
- Concern with respect to priority at the entrance to the car park and at the top of the ramp car park entry.
- Customer toilet in the main retail store should be freely available to all customers
- Façade finishes should be agreed with the planning authority in accordance with Condition 7 of the notification of decision to grant permission
- A more detailed landscape specification is required
- Traffic management and pedestrian access issues need to be addressed.
- Continuous footpath and traffic calming on Turvey Avenue and a new access from Turvey Avenue to Newbridge Demesne. These can be financed through the use of some of the development charges which are levied by way of Condition 19 of the notification of decision to grant planning permission.

8.0 PLANNING HISTORY

There have been several planning applications for development on the subject lands and lands encompassing the subject site.

8.1 F06A/1155 Permission was **refused** for a Mixed use development on a 0.22 hectare site zoned Suburban Centre. The proposal included the creation of a Civic Square onto which the following units front: 1 no. retail unit (1000 m²) , 3 no. retail units (156m² total), two storey public library (393m²), public

bar including mezzanine floor (209m²), at first floor level 4 no. duplex units (total 523m²) and a restaurant (92m²) at second floor level over the mezzanine bar. The development also includes 2 no. street level commercial units (274m² total) and 2 no. street level retail units (222m² total). The residential content of the developments includes 24 no. apartments with balconies accessed off a raised landscaped courtyard apartment unit breakdown - 5 no. 1 bedroom apartments, 3 no. 2 bedroom apartments, 14 no. 2 bedroom duplex apartments and 2 no. 3 bedroom duplex apartments. The development is contained within 3-4 storey blocks over the new Civic Square with two levels of semi basement/basement carparking (3921m² total) with a total of 108 car spaces, plant space and service yard for the large retail unit. Private and public bicycle parking is provided (24 private and 10 public).

Permission was refused for the following reasons:

- Proposal was considered premature pending the adoption of the UCS and the adoption of the site design and development brief for 'Area 4'
- Failure to comply with car parking standards as per the CDP and conflict with 2006 LAP Objectives
- Failure to comply with public open space standards and failure to accord with open space objectives of the Donabate Action Area Plan, 2001.

Adjoining Site - Lands at the residential development known as The Gallery, Turvey Walk, Off Turvey Avenue, West of Donabate Train Station, Donabate, Co. Dublin.

8.2 Reg. Ref. F02A/0993 / PL06F.201863

Permission Granted for 3 no. 3 and a half storey blocks and 7 no. 2 and a half storey blocks comprising of 198 apartments on 3.525 hectares with new ESB substation and development works at Donabate, Co. Dublin.

8.3 Reg. Ref. F04A/1163

Permission Granted for residential development on 0.48 hectares (1.2 acres) at Donabate on lands for which an Area Action Plan was adopted by the Council in October 2001. The site is bounded to the south by the recently completed new access road into Donabate Railway Station off Turvey Avenue, to the east by the Dublin/Belfast railway line, and to the north by the previously approved residential development now under construction (F02A/0993). The proposal includes 1 no. 3.5/3 storey block with roof terrace (Block 1) and 1 no. 3 storey block (Block 2) comprising 37 no. apartments as follows: Block 1: 2 no. 1 bedroom units 13 no. 2 bedroom units 1 no. 4 bedroom units Block 2: 1 no. 1 bedroom units 20 no. 2 bedroom units 23 no. surface car parking spaces and 20 no. basement carparking spaces under Block 1 are provided. Site access is provided off previously approved estate roads (F02A/0993). Site development works include a raised and railed courtyard garden, landscaping, refuse storage areas, bicycle parking, and boundary walls and fences are also included

8.4 Reg. Ref. F15A/0174 Permission Granted for Modifications/alterations to the third floor of partially constructed Apartment Block 1 granted permission under Reg. Ref. F04A/1163 (extended under Reg. Ref. F04A/1163/E1). Modifications provide for 1 no. 3 bed apartment penthouse unit and 2 no. 2 bed apartment penthouse units, all of which are in lieu of the granted 1 no. 4 bed penthouse unit and roof terrace, thus providing for an additional 2 no. apartments at third floor, with associated elevational changes. Permission is also sought for 4 no. additional car parking spaces and all ancillary site and engineering works necessary to facilitate the development.

8.5 Reg. Ref. F15A/0175 Permission Granted for Additional 4 no. 2 bedroom penthouse apartment units within the roof space/level of partially constructed apartment Block 2 granted permission under Reg. Ref. F04A/1163 (extended under Reg. Ref. F04A/1163/E1), alterations and modifications to ridgeline and elevations of granted Apartment Block 2, 7 no. additional car parking spaces and all ancillary site and engineering works necessary to facilitate the development

9.0 DEVELOPMENT PLAN (relevant excerpts attached as appendix to this report)

The statutory Development Plan is the Fingal County Development Plan (CDP) 2011 – 2017. The appeal site is zoned 'TC' – town centre in the CDP 2011 – 2017 with the Objective to: *'Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'*.

The Vision for the TC zoning Objective is to: *'Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic. In order to deliver this vision and to provide a framework for sustainable development, Urban Centre Strategies will be prepared for centres in accordance with the Urban Fingal Chapter objectives'*.

Relevant Objectives

Objective Donabate 1

Objective Donabate 2

Objective UD03 and UD04

Objective UC02

9.2 Donabate Local Area Plan 2006 - 2012 (Copy attached as appendix to this report)

The Donabate LAP zones the lands 'Donabate Town Centre' Section 5.2 and Section 5.4 are of relevance.

9.3 Donabate Urban Centre Strategy, June 2010. (Copy attached as appendix to this report) This is a non-statutory document prepared by the Council. It is effectively a masterplan for the town centre. The subject appeal site forms part of 'Key Area 4' (west of the railway line) Chapter 10 is of specific relevance.

10.0 NATIONAL PLANNING POLICY

- Development Management Guidelines
- National Spatial Strategy
- Retail Planning Guidelines 2012

11.0 ASSESSMENT

I consider the main planning issues to be:

11.1 Principle of the Proposal and Compliance with Planning Policy

11.2 Design, Scale, Visual Integration with Surrounding Areas and Donabate Town Centre

11.3 Traffic, Access, Permeability and Car Parking

11.4 Quantum and Location of Retail Floor space

11.5 Appropriate Assessment (AA)

11.6 Other Issues

11.1 Principle of the Development / Compliance with Planning Policy

The appeal site is zoned 'TC' - town centre in the Fingal County Development Plan 2011 - 2017 with the objective to *'protect and enhance the special physical and social character of town and district centres and provide and or improve urban facilities.'*

Uses that are permitted in principle under the Town Centre zoning include:

- Café / restaurant; and
- Retail - local / convenience / supermarket.

Donabate is identified as a moderate sustainable growth town in the CDP 2011 - 2017. The development strategy for the town aims to provide a high quality living environment for the existing and future population and provide for development of necessary community, commercial, cultural and social facilities in tandem with new residential development.

Objective Donabate 1 states: *'Chanel and concentrate the development of additional commercial, social and civic facilities within the town centre and promote high quality urban design in such development.'*

The appeal site is located on lands identified as Donabate Town Centre in the Donabate Local Area Plan 2006 - 2012. Section 5.4 of the LAP seeks to *'Promote the provision of additional retail, service, office, education, healthcare, recreational and community facilities at appropriate locations to meet the demands of the expanding town.'*

Inspectors Note: A new draft Donabate LAP is currently being undertaken by Fingal County Council. However, this draft has not been adopted by the Council to date.

The appeal site is located within 'Key Area 4' of the Donabate Urban Centre Strategy 2010. Chapter 10 sets out the key site design and development briefs for 'key area 4' (west of the rail line). It includes indicative sketch perspectives of a 4 / 5 storey mixed use development with a Civic Plaza. The vision for the area is stated as *'to establish a new hub to generate footfall and create activity and animation west of the railway line with a range of suitable uses including employment, retail, leisure, residential as well as a new civic plaza.'* Of note the key site design and development brief indicates a 'retail anchor store' and a 'new pedestrian crossing over the rail line'. Regard is had

that this strategy which aims to provide a development strategy for the town centre is a non - statutory document prepared by the Council.

The net floor area of retail Block 1 is 1,444 sq. m (1 no. anchor unit / licensed convenience food store & 4 no. retail units), Café Unit Block 2 is 79 sq. m and the Café / Restaurant Unit Block 3 is 95 sq. m. All of the uses proposed are 'Permitted in Principle' in the 'TC' zone under use classes related to zoning objective. However there is no provision for residential development in the proposed scheme. The planning authority considers that the mix of uses were considered at pre-planning and considering the character of the surrounding area, with significant apartment development, whether constructed or permitted and the limitations of the site, the proposed development is considered to be appropriate.

The appeal site is a significant site within the core of Donabate Town Centre on lands immediately adjacent to a high quality public transport corridor - Donabate Train Station and within 200m of the town core. It is also a visually prominent location. Having due regard to the foregoing, it is my considered opinion, regard being had to the location of the site, zoning of the site and to the significant residential land banks to the west and north of the site, by virtue of permission refused under Reg. Reference F06A/1155 for a mixed use development including 24 apartments, (see section 8.1 of this report for details of refusal reasons) I consider that the principle of the proposed development is acceptable and in accordance with the zoning objective and the policy and objectives set out for Donabate in the County Development Plan 2011 – 2017 and the Donabate LAP 2006.

I accept and support the first party's contentions that the proposed development is plan led, that it represents a Gateway development at a strategic location at the entrance to Donabate and that residential is not suitable or necessary on the appeal site.

11.2 Design, Scale, Visual Integration with Surrounding Areas and Impact on Donabate Town Centre

The development proposes 3 number blocks. Block 1 comprises a 3 storey structure (14.864m in height) with Plant room at roof level. While the development introduces a new modern building into the streetscape it is submitted by the 1st party that the design of Block 1 has made reference to the town centre location with design references / features reminiscence of the adjoining railway line and station. The design of Block 1, Block 2 and Block 3 are depicted in the visual assessment and architectural design statement submitted with the application, regard is had to the design alterations to Block 1 incorporated by way of further information request by the planning authority.

I note the first party submission that all buildings are designed with due regard to articulation of the elevations and the choice of high quality finishes. The main retail building (Block 1) has been designed with all four sides presenting an attractive façade. It is acknowledged that all four corners of the building are prominent and are an important feature in defining the site. There are active frontages to the southern elevation and to the west elevation of Block 1 (i.e. fronting Turvey Avenue and Turvey Walk). The car park entrance is proposed to the southern elevation and there is no ground floor access to the eastern elevation as it is located immediately fronting the railway station car park. Extensive glazing is proposed on all frontages

An existing cottage is being extended and brought into use as a café with an extension (Block 2). A small restaurant is proposed at the north western corner of the site (Block 3). It is submitted that the proposed café unit and restaurant unit have cognisance to the existing residential development of the Gallery with glazed windows and materials similar to the existing residential development of the Gallery.

A public plaza with seating area and landscaping is proposed connecting the café and restaurant, approximate to the junction of Turvey Avenue and Turvey

Walk at an entrance point into Donabate. The public space created at the café incorporates outdoor seating and landscaping, while somewhat limited in size and which accommodates 8 car parking spaces, will given its location, directly opposite the supermarket entrance / exit and the 4 no. smaller individual retail units, positively contribute to the amenity of the area. I recommend that the Board consider attaching a condition which requires the developer to provide an art feature to accentuate the Civic Plaza area, see condition 9 below.

The northern side of the development will face into the residential development of the Gallery with an, at present, incomplete apartment Block located some 22.6m distant from proposed Block 1. The windows on the northern façade of Block 1 are located 2m above the finished floor level of the first floor retail unit. There shall therefore be no overlooking from windows to the residential development. The purpose of the windows is to bring natural light into the retail unit. It is also submitted by the first party that the staircase located to the North West corner is for escape purposes only and will only be used in the case of emergency which will ensure it is not a source of overlooking.

The buildings are designed to reflect a modern appearance utilising a palette of materials including brick with brick detailing, render, modern glazing, stone capping and window reveal details on the main retail block with very simple forms and stone features on the restaurant and café. I concur that the detailing to all facades is clean modern and sharp and acceptable in its context. A detailed visual assessment has been carried out using before and after photographic imagery with a computer generated 3d model of the development superimposed onto the existing photographs. I am of the opinion, regard being had to 'Key Area 4' Design Parameters and development briefs, that the scale of the development in terms of its height, mass, bulk and setting is appropriate to the character of the surrounding area. The design and scale which creates a strong street frontage is acceptable marking the entrance to the town at this designated 'town centre' location.

11.3 Traffic, Access, Permeability and Car Parking

Third parties to the appeal have raised concern with respect to exacerbation of traffic congestion, traffic hazard due to increased traffic draw into Donabate and at the entrance and exit from Turvey Avenue and also the Turvey Avenue / Hearse Road junction, pedestrian connectivity / permeability through the site and under provision of proposed car parking.

The proposed access to the development will be from Turvey Avenue via the existing residential access road and the existing car park access road. The residential access road has a carriageway width of 7.0 meters with footpaths on both sides and a cycle track on the west side. The car park access road has a carriageway width of 6.0 meters with footpaths on both sides and a cycle track on the west side. The proposed development includes alterations to the junction widening including the provision of a right turn from Turvey Avenue into the development (Waterman Moylan Drgs No. 14-173/P201 and 202). The Traffic Impact Assessment (TIA) shows that the junction with Turvey Avenue would operate well within capacity in the opening year of 2016 and Design year of 2031.

It is also proposed to replace the existing internal priority junction on the main access road (Turvey Walk) with a large roundabout having a 28 m ICD. The first party submits that the roundabout of this size may be classified as normal or medium. The purpose of the roundabout is to provide a safe turnback facility for goods delivery (larger commercial / articulated vehicles) and waste collection to Turvey Avenue. To provide a safe junction for cars using the development and station car parks and to provide access to The Gallery housing development to the north. I accept the argument that the introduction of a roundabout provides a break point between the commercial development and the residential development and provides for an orderly control of traffic.

The Transportation Department have no objection to the proposed development subject to stage 2 and stage 3 safety audit being carried out and that a pedestrian refuge be constructed on the eastern approach to the

junction with Turvey Avenue to the satisfaction of the planning authority (Condition 3 of the notification of decision to grant refers).

The site is located within a busy suburban town. On the date of site inspection, traffic was busy but no queuing evident, cognisance is had to 3rd party submissions that congestion occurs at peak times. I note the failures pointed to in the traffic survey and assessment carried out by the first party in terms of summer period over which the survey was carried out. I also note and consider acceptable the first party's response to the issues raised. Cognisance is had that site is zoned 'TC', located adjacent to the railway station and it is the opinion of the planning authority that the existing road network is capable of accommodating this development.

Regard is also had to proposed road improvements in the vicinity of the subject appeal site. Specifically Turvey Avenue Upgrade is listed in Table T04 of the Fingal County Plan for completion before 2017. It is further highlighted by the 1st party that the recently approved National Forensic Mental Hospital provides a financial contribution toward the junction improvement works at the R126/Turvey Avenue Junction and the construction of the R126 Donabate Relief Road between the R132 and Portrane Demense to which FCC have committed funding of €20m between 2016 – 2018. I tend to agree with the 1st party that it is unreasonable to delay development all along Turvey Avenue until such a time as these works are undertaken as it will ultimately be at the discretion and control of Fingal County Council.

The proposed development will undoubtedly contribute to the generation of traffic within Donabate. Traffic is already attracted to the village by the services and facilities which are on offer – including the existing convenience store to the east of the railway line within the town core. I am of the opinion however that this development may well displace other traffic trips to shopping facilities elsewhere in the surrounding suburbs and that the location will allow for rail commuters to do their shopping thereby not adding to the traffic in the area.

Traffic build-up is an enduring feature of metropolitan life for those living in and visiting urban areas. It is not a reason to refuse planning permission. The site is within easy walking/cycling distance of a wide residential area Beverton, Beresford and The Gallery and is well-served by public transport. I would accept that it is likely that most visitors to the anchor store would travel by car. However, generally such journeys are outside of peak hours.

Much is made by third parties with regard to pedestrian connectivity to the train station via the appeal site. Regard is had that a pedestrian linkage, in line with the Urban Centre Strategy, over the railway line is not provided. However, given the 1st party response to this matter setting out that the provision of a pedestrian crossing over the railway line is outside of the applicants ownership and is ultimately at the discretion of Iarnrod Eireann to provide and to the fact that the site is immediately adjacent to and within a 5min walk to the train station I do not consider that permission should be denied on this issue. Cognisance is had that provision has been made to accommodate a future possible pedestrian link to the railway station.

Car parking

Block 1 of the proposed development incorporates 71 car parking spaces at ground and first floor and also accommodates bicycle parking. 8 no. surface car parking spaces are proposed to serve the café and restaurant unit. Adequate car parking has been provided in accordance with the relevant standards, regard is had that the anchor tenant is mooted to be a standard Aldi Store with a net floor area of 1,217 sq. m. I agree that the provision of internalised car parking represents an efficient use of lands whilst providing the required services for the surrounding residents. The development has clearly been designed to ensure car parking is not dominant. The planning authority has no objection to the ramp design, including the gradient, transition and visibility at the top and bottom of the ramp as shown on JSA Architects Drg. No. 6214-PA0020 submitted as further information. I see no reason to consider same unacceptable.

I do not envisage that overspill car parking from this development would arise. Regard is had to the existing 61 space train station pay and display car park to the east of the site. I note that on street parking is controlled by the Council and it is open to the Council to introduce on-street parking charges to discourage non-residential parking on residential streets. Such type provision is not uncommon in comparable urban locations

11.4 Quantum and Location of Retail Floor space

It is proposed to provide 4 no. retail units and an anchor retail foodstore within **Block 1** of the proposed development.

Unit 1 has a stated net floor area of 54 sq. m

Unit 2 has a stated net floor area of 47 sq. m

Unit 3 has a stated net floor area of 56 sq. m

Unit 4 has a stated net floor area of 70 sq. m

The Anchor Food Store has a stated 1,217 sq. m net floor area

Ancillary services such as escalators, 71 car parking spaces, plant room etc are included within Block 1

Café Unit **Block 2** has a stated GFA of 79 sq. m

Café/Restaurant Unit **Block 3** has a stated GFA of 95 sq. m

Donabate is a designated Level 4 retail centre in the Fingal Retail Hierarchy (Table CS09 of the CDP). The appeal site is zoned 'TC' in the CDP and the Donabate LAP. Donabate is expanding rapidly with over 75% growth in the last ten years. Moreover, the population of the area is anticipated to grow to 22,500 over the period of the next 10 years.

It is submitted by the first party in support of the application that when compared to the quantum of existing and planned retail development in other nearby centres (such as Rush and Lusk), at this level, it is clear that Donabate is under provided for in terms of retail offer.

The Retail Report submitted in support of the application sets out that taking into account the retail offering of the catchment area, the large existing population base and the anticipated population increase of the catchment area, Donabate is underserved with regard to convenience retail shops. The existing retail floorspace within Donabate comprises 2,709sq.m of both convenience and comparison retail space. The proposed development provides for a total of 1,568sq.m of retail and café / restaurant floorspace thus providing for a total retail floor space within Donabate of 4,297 sq. m

This is backed up by the Fingal Retail Strategy which states that Donabate: *'Has a compact retail offer largely comprising one enclosed shopping centre anchored by SuperValu. The retail offer is predominantly local, independently operated convenience floor space and supporting services. **Donabate should aim to become more self-sufficient and evolve to provide an increasing range of retail floor space in line with any increase in its population.'***

Retail Objective 17 of the CDP 2011 states:

'Ensure that retail development meets the needs of Donabate and its surrounding catchment.'

Regard being had to Key Area 4 Design Parameters and development briefs as per the Urban Centre Strategy, it is considered that the proposal is in line with the Strategy which sets out that there is potential to accommodate an anchor tenant west of the railway line. I agree with the 1st party that the development will create a focus at this key gateway site and provide an incentive for people to walk the length of Main Street. I agree with the planning authority that the scale assimilates well with its location. Cognisance is had that it is within 200m of the core of Donabate town centre. I agree with the 1st party and the planning authority that the retail offer and scale of the retail units proposed will represent an extension to the retail core of the village and serve the substantial residential population to the west of the railway line / west of Donabate town centre.

It is my opinion that sequentially the site is suitable and that the proposed development represents a sustainable use of lands within walking distance of the train station and residential neighbourhoods.

Overall I am of the view that the proposal complies with the vision for the lands to establish a new hub to generate footfall and create activity and animation west of the railway line with a range of suitable uses including employment and retail as well as a new civic plaza.

11.5 Appropriate Assessment (AA)

The appeal site is not located either in or near to a Natura 2000 site. The applicant has submitted a Natura 2000 Screening Report which has found that the proposed development will have no direct or measurable indirect impacts on any Natura 2000 site within a 15km radius of the site. The Heritage Officer has reported no objection to the development and agrees that the development will not have an impact upon any Natura 2000 sites subject to conditions.

The Natura 2000 site located in the closest proximity to the subject site include Malahide Estuary SAC&SPA, located 1.29km to the south of the appeal site and Rogerstown Estuary SAC&SPA, located 1.7Km to the north of the appeal site.

Overall having regard to the information on file I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development, infrastructure in place and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

11.6 Other Issues

Recorded Monuments

The site contains two number recorded monuments. The monuments are located on the constructed footpath entering the Gallery development and were discovered in 2002 following surveying.

The Heritage Officer's report sets out that if permission is to be granted 'a condition be attached requiring a licenced archaeologist to be present to oversee any removal or disturbance to topsoil at the site and to take appropriate actions should any archaeological features be discovered' as there are several archaeological monuments in the vicinity of the proposed development.

A condition requiring monitoring was attached to the notification of decision to grant permission (condition no. 6). The applicant has indicated that they welcome this condition. I recommend that should the Board agree that permission be forthcoming in the subject case that this condition / similar Board Condition be attached to the decision to grant planning permission.

Delivery Hours

It is submitted that in the absence of space or facilities on Turvey Avenue, the planning application for this development provides for a shared off – street 20 m long loading bay serving the proposed retail units on Turvey Walk. The swepth path analysis shown on the drawings represents the articulated truck used by Aldi to deliver to their stores in the Dublin area. It is submitted by the first party that each store receives, only, one delivery per day outside trading hours between the hours of 2000 hours and 0800 hours.

The appellants to the appeal submit that deliveries should be limited to evening or night-time hours only given the traffic congestion in the area and separation / set back of residential development. It is the opinion of the

planning authority that limiting of deliveries to evening and night-time would be inappropriate and may give rise to nuisance to surrounding residential areas. The planners report states that delivery times may be more appropriately limited to late morning and early afternoon – 10.00 hours to 15.00 hours for example.

Condition no. 11 of the notification of grant of permission Reg. ref F15A/0181, however, states: ‘ *No deliveries shall be made to any of the retail, café and restaurant unit between the hours of 23.00 (11pm) and 7.00 (7am) Monday to Saturday and not before 9.00 hours (9am) on Sundays and Bank Holidays*’.

I note that there is no service yard proposed and therefore the 20 m long loading bay will be the sole servicing area for the anchor store and the smaller retail units. There are two issues surrounding this – Noise and Congestion. The loading bay has the potential to give rise to congestion should a car park unlawfully, thus, blocking the loading bay. Delivery at / during peak hour traffic may also have negative traffic impacts. Also given the location of the loading bay I would have concern with respect to noise associated with evening / night time deliveries. While the loading bay is centrally located to the commercial development and existing residential development is well set back from its location, it is located on a residential / mixed use access road - this is a developing area and therefore, in my opinion, there is potential for future conflicts with residential development.

Give the foregoing I consider that the delivery hours imposed by the planning authority by way of condition no. 11 of the notification of decision to grant permission are reasonable and I recommend that should permission be forthcoming that a similar condition be reattached by the Board to any grant of planning permission.

12.0 RECOMMENDATION

I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and National Guidelines and all other

matters arising. In the light of this and the assessment above, I recommend that planning permission be Granted subject to the conditions set out below.

13.0 REASONS AND CONSIDERATIONS

Having regard to the site location and zoning, pattern of development in the vicinity, to the provisions of the Local Area Plan and the Development Plan for the area, 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.

14.0 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 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 4 number smaller Retail Units facing Turvey Walk shall be consistent with type Class 1 or Class 2, 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 applicant 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 between the hours of 23.00 (11pm) and 7.00 (7am) Monday to Saturday and not before 9.00 hours (9am) 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 Transportation Planning Section shall be complied with in full:

(a) The developer shall construct a pedestrian refuge on the eastern approach to the junction with Turvey Avenue to the satisfaction of the Planning Authority.

(b) The detailed design of the pedestrian crossings shall be agreed in writing with the Planning Authority prior to construction.

(c) 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 Road Authority.

Reason: In the interest of traffic 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, should 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. (a) Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a Landscaping Scheme for the entire site. The Landscaping Scheme shall be fully implemented within 6 months of opening of retail units/foodstore.

(b) An art feature shall be provided by the developer within the Civic Plaza area identified in the site layout plan submitted to the planning authority.

(c) Prior to the commencement of any development details of the art feature shall be submitted for the written agreement of the planning authority,

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 proper planning and orderly development.

11. The footpath along the frontage of the site with Turvey Avenue and Turvey Walk shall remain open at all times during the construction / demolition unless prior written consent / approval is obtained from the planning authority to close same.

Reason: In the interest of orderly development and pedestrian safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) 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.

13. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

14. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, full details of the site drainage system, including provision of grease traps, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and to ensure a proper standard of development.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in

accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

16. Site development and building works shall be carried only out 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.

17. 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.

18. 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. 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 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.

Fiona Fair
Planning Inspector
18.01.2016