



An
Bord
Pleanála

Inspector's Report

ABP-302099-18

Development	Demolition of structure and construction of two storey mixed retail and residential structure
Location	51 Strand Street and corner of Callaghan's Lane, Skerries, Co. Dublin
Planning Authority	Fingal Co. Council
Planning Authority Reg. Ref.	F17A/0401
Applicant(s)	Calvaire Holdings Ltd.
Type of Application	Full planning permission
Planning Authority Decision	Grant planning permission subject to conditions
Type of Appeal	Third Party
Appellant	Mr Jim Seaver
Observer(s)	None.
Date of Site Inspection	5 December 2018 and 2 January 2019
Inspector	Padraic Thornton

1.0 Site Location and Description

- 1.1. The site of the proposed development is the curtilage of a single storey building on the eastern side of Strand Street a short distance from South Strand and the coastline in Skerries town. The site is located near the centre of the town in an area of mixed uses i.e. commercial and residential. Strand Street is more commercial than South Shore which fronts onto the coast to the east of the site of the proposed development.
- 1.2. The properties immediately to the north are generally in residential use with an open walled off area immediately to the north abutting the residential property at number 49. Number 48 immediately to the north of number 49 is also in residential use. (The open area and the 2 residential properties referred to appear to belong to the appellant). There are two small single storey buildings in residential use in lands to the rear of the open site. The most westerly of these is separated from the site of the proposed development by a narrow passageway. This is the property indicated as “The Cottage” on the plans submitted with the application. This property also appears to be known as No 28 South Strand. There is also a narrow passageway along the south side of the most easterly of the small properties referred to. Access to these residential buildings is from South Strand to the east. The 2 buildings appear to be in single ownership or at least have a single access alongside number 29 South Shore. There is a small open paved area measuring about 7 by 5 metres to the west of the most westerly of these 2 small residential properties.
- 1.3. There is a single storey flat roofed building located on the site of the proposed development. This building appears to have been last used as a bicycle sales/repair location. The building is currently un-occupied. There is a mixture of single and two storey buildings on Strand Street. The building on the opposite side of Callaghan’s Lane is a 2-storey building in residential use (number 52 Strand Street). The nearest building on Strand Street to the north of Callaghan’s Lane is number 49 Strand Street. This house is a single storey to the front and two-storeys to the rear. There is a small enclosed area to the rear or east of the site which contains an electricity sub-station and a timber telecommunication mast. To the rear of this, with frontage onto South Strand, there is an open undeveloped parcel of land.

2.0 Proposed Development

2.1. The proposal is to demolish the existing structure on the site and to erect a two-storey building. The new building would contain a retail unit at ground floor level and two one-bedroom apartments at first floor level. The retail area is indicated to have a floor area of 119.8 sq. metres. The two apartments would have a total floor area of 118 Sq. metres. Each apartment would have a balcony area. The front balcony would have a floor area of 5.5 metres and the rear apartment would have an area of 7.24sq. metres. The rear balcony would have two-metre high “frosted “glazing panels on the north and south sides. Two parking spaces, with access off Callaghan’s Lane, would be provided to the rear of the building There would also be a small open green area (about 20 sq. metres) and a bin storage area to the rear of the building.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission subject to 26 conditions. The conditions imposed do not significantly alter the development from that indicated in the revised plans submitted to the planning authority on 28 May 2018.

Condition number 1 requires that the development shall be carried out in accordance with the submitted plans including the additional information submitted on 28 May 2018.

Condition number 5 restricts the use of the retail unit to uses referred to in Class 1, Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended. Condition number 6 confines the operating hours of the retail unit to 0800-2000 Monday to Friday and 0900-1800 on Saturdays and Sundays .and public holidays. Condition number 7 prohibits goods deliveries to the retail unit between 2200 and 0700.

Condition number 9 requires that windows shall be clear and devoid of window graphics and shall comprise of clear glazing. The reason is in the interest of visual

amenity. (I assume this refers to the retail unit as I note some obscure glazing in the proposal for the apartments at first floor level). Condition number 12 requires that the external finishes shall be as indicated on the plans submitted as additional information on the 28 May 2018.

Condition number 16 requires that the boundary wall at the vehicular entrance onto Callaghan's Lane shall be reduced from 1.2 metres to 0.9 metres and shall be extended further west so as to provide a vehicular entrance width of 4 metres. The condition also requires the provision of a 0.9 metre wall projecting 1 metre westwards from the pedestrian access to the apartments.

A number of the conditions relate to the construction phase of the development. Condition 21 (i) restricts the hours of construction work to between 8.00am to 7.00pm on Monday to Friday and 8.00am to 2.00pm on Saturdays.

Condition 23 requires the payment of 440 euro in lieu of 0.0075 Hectares of public open space.

Condition number 25 requires the lodgement of a bond or cash deposit to ensure the satisfactory completion of roads, open spaces, car parks and drains.

Condition number 26 requires the payment of 17,077 euro in accordance with the local authority's contribution scheme for public infrastructure and facilities.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial planning report, following which additional information was requested, indicates that the zoning objective for the area is to protect and enhance the special physical and social character of town and district centres and/ or to improve urban facilities. It is pointed out that the site is located in the Skerries Architectural Conservation Area.

The planner notes the original report from the Conservation Officer and refers to her objection to the proposed balcony on the front elevation. The planning officer considered that it was desirable to allow 2 apartments at this site in the centre of the town, and in order to provide the minimum development management standards, it was considered that the balcony was acceptable in the circumstances and having regard to its design. The conservation officer's and third-party submissions' reservations about the finishes were also noted. It was considered that these matters could be resolved by condition.

The planning officer considered the objections raised in relation to impact on adjacent properties. It was accepted that there would be some overshadowing of the rear garden of number 28 South Strand (indicated existing cottage on the plans submitted) and the side garden/ vacant site at the side of number 49 Strand Street. It was, however considered that due to the centre town location, the extent of existing overshadowing, the existing pattern of development in the area and the TC zoning objective that the impact on the properties to the north was acceptable. The applicant was requested to submit revised elevation drawings indicating two metres high opaque glass screens on the north and south sides of the rear balcony. Due to the design, with no window on the north elevation and only one, with obscure glazing, on the south elevation potential overlooking problems arising with a previous application were eliminated.

It is noted in the planning report that minimum development management standards set out in the development plan in relation to new apartments are complied with. The minimum required private open space area per apartment of 5 sq. metres is being provided by the proposed balconies.

3.2.2. Other Technical Reports:

The original Conservation Officer's report stated that the large opening on the front elevation with a recessed balcony was not acceptable in the architectural conservation area. The report also stated that PVC was not an appropriate finish for a number of elements as indicated on the submitted plans. The design and materials to be used in other elements were not specified. In a later submission the conservation officer stated that the response to item number 4 of the request for further information was acceptable. (The response stated that the finishes had been

revised in accordance with the Statement of Character for Skerries ACA and that PVC had been omitted. The proposed roof would be of natural slate and the windows and doors would be of timber). The request for further information had not referred to the balcony on the front elevation. (I note that the plans submitted on 28 May 2018 indicated the frame of the shop front windows and doors being in aluminium).

The report from the water services section had queried the surface water discharge proposed. This issue was raised in the request for further information. In the response the applicant stated that the extent of permeable area was increased and the attenuation tank re-sized. Due to the proximity of neighbouring boundaries the applicant submits that the site is not suitable for soak-ways. Both Water Services Section and Irish Water reported no objection, subject to conditions, to the development following receipt of the further information.

A report from the Environmental Health Officer indicated no objection to the development subject to a number of conditions. Four of the six conditions recommended relate to the construction phase of the development. Recommended condition number 5 refers to noise levels from the development at noise sensitive properties and condition number 6 refers to other emissions e.g. odours and dust from the development.

A report from the Transportation Planning Service recommended that further information be sought. On receipt of this the section stated that it had no objection subject to conditions.

4.0 Planning History

The submissions indicate that planning permission was granted in 2008 for the demolition of the existing building on the site and the construction of a two and a half storey building containing a retail unit at ground floor level and offices at first and second floor levels. This permission, which was extended in 2013, and which has not been implemented, expired on 15 April 2015. (FO7A/1281 and FO7A/1281/E1)

Planning permission was refused in February 2017 for a two and a half storey building on the site. The building would contain a retail unit at ground floor level and

three apartments at first and second floor levels. The reasons for refusal included that the development by reason of its massing, height and scale would be out of character within the Skerries Architectural Conservation Area. The development would be in conflict with Objective AH17 of the development plan. It was also considered that the development would be injurious to the residential amenities of occupants of properties in the area due to overlooking. It was also considered that the development provided inadequate amenity for residents due to substandard floor space and inadequate open space etc. The third reason for refusal related to potential hazard due to unsatisfactory arrangements for vehicular and pedestrian access. The planning authority also considered that adequate information had not been submitted to indicate that there was adequate capacity available if the drainage system to serve the proposed development. The development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area. (F16A/0604)

Planning permission was refused in 2008 for the construction of a two- storey house on the site of the existing single storey house at number 28 South Strand. (This is the property indicated as “existing cottage” on the plans submitted with the application). The reasons for the refusal were overdevelopment of a restricted site, haphazard development, injury to visual amenity, overshadowing, injury to residential amenity and failure to preserve and enhance the distinct character and urban form of the area. It was also considered that there was insufficient information submitted in relation to the foul sewer, surface water drainage and water supply.

Case reference F17A/0235 has been referred to by the appellant as a situation where the planning authority did not allow the provision of a rear balcony to a proposed development. The proposed rear balcony in the case in question was omitted following a request to do so by the planning authority. Revised plans were submitted omitting the balcony. The balcony originally proposed had an area of 13.5 sq. metres and a stairway was proposed from the balcony to the rear garden. The site in question in the application fronts onto South Strand a short distance to the north of the junction of Callaghan’s Lane with South Strand.

5.0 Policy Context

5.1. Development Plan

The site is located in an area zoned TC-Town and District Centre in the Fingal Development Plan 2017-2023. The objective for these areas is to protect and enhance the special physical and social character of town and district centres and to provide and/or improve urban facilities. The vision for such areas is to maintain and build on the accessibility, vitality and viability of the existing urban centres in the county. It is part of the vision to develop and consolidate these centres with a mix of commercial, recreational, cultural, leisure and residential uses.

The site is located in the Skerries Architectural Conservation Area. It is also an objective of the plan to encourage mixed use development and require where practicable that a residential component is included in redevelopment proposals within the designated town centre zone (TC) (Objective Skerries 3).

Chapter 12 of the Fingal Development Plan sets out criteria for development management. The minimum floor area for one-bedroom apartments is 45 sq. metres. The aggregate bedroom size required is 11.4 sq. metres. A storage area of 3 sq. metres is required. According to Table 12.6 a one-bedroom apartment requires 5 sq. metres of private amenity space and 5 sq. metres of communal amenity space.

5.2. Natural Heritage Designations

There are a number of designated sites of natural heritage interest in the Skerries area. These are detailed in the screening for appropriate assessment document submitted with the planning application (Natura 2000 Screening Report) and the subsequent response to the request for further information submitted by the applicant. Sites referred to include Rockabill SPA, Rockabill to Dalkey Island SAC, Skerries Islands SPA, Rogerstown Estuary SAC and SPA. River Nanny Estuary and Shore SPA, Boyne Coast and Estuary SAC, Boyne Estuary SPA, Broadmeadows/Swords Estuary SPA, Lambay Island SPA and SAC and Malahide

Estuary SAC. The closest sites to the proposed development are Skerries Islands SPA at 1.1 Kilometres, Rockabill SPA at 2.68 Kilometres and Rockabill to Dalkey Island SAC at 2.73 Kilometres.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant refers to the previous application for a two and a half storey building which was refused planning permission and compares the development then refused with that now in question. It is submitted that the main dimensional changes are a reduction in the height of the eaves by 265mm and a reduction in the height of the ridge line by 616 mm. The foot print of the building remains the same. It is submitted that the volume of the building is reduced by about 2.5% and that this makes little or no difference to the bulk of the building when viewed from street level. The previous development proposed was refused as it constituted overdevelopment of a constrained site and it was considered that due to its excessive height, scale and massing it would be out of character, visually obtrusive and would adversely affect the Skerries Architectural Conservation Area. It was also stated in the Manager's Report that the balconies then proposed to the rear were not acceptable.

It is submitted in the appeal that the rear balcony, which would be at the ridge height of the cottage at number 28 South Strand would give rise to overlooking of rear gardens to the north and to the south. It is submitted that historically Fingal County Council has refused planning permission for rear balconies. The most recent example that for a neighbouring property (Case ref. F17A/0235).

It is submitted that the building is too big for the site in comparison to the size of existing buildings in the area. It is of excessive length, at 17.775 metres and would result in overshadowing and overlooking. An exception has been made in granting permission for the balconies, against the advice of the Conservation Officer, to

facilitate a commercial development whilst home owners in the area have been refused permission for balconies.

6.2. Applicant Response

The applicant refers to the two previous planning decisions made in relation to the site i.e. FO7A/1281 granted in 2008 (plans submitted) and F16A/0604 refused in early 2017. Following the refusal of planning permission, the proposal was redesigned. It is submitted that the layout takes reference from the previous grant of permission and 2 parking spaces are proposed to the rear with access off Callaghan's Lane.

It is submitted that the structure has been orientated to ensure that it will not directly impact on neighbouring properties and that it is in keeping with the existing development pattern in the area. The balconies will not directly overlook neighbouring properties private habitable space.

It is submitted that the site is located in an area zoned for town centre uses where the uses proposed are permitted in principle. The development complies with Objective Skerries 3 of the development plan to encourage mixed use development with residential use where practical included. The development is also in compliance with Objective 35 of the National Planning Framework which aims to increase residential density in settlements. The proposal offers an efficient use of land in the centre of Skerries. The application is for the re-development of a brownfield site.

The applicant submits that the development has been designed to take account of the surrounding context and the design, material quality and finish were discussed and agreed with the Conservation Officer. The development complies with national standards and will facilitate the provision of residential units during a housing crisis.

It is submitted that planning permission was previously granted for a two and a half storey building with a retail unit at ground floor level and offices at first and second floor levels. The planning authority has raised no concerns about the scale of the development in comparison to neighbouring properties. It is submitted that the reduction in the number of apartments has resulted in a reduced impact and the design is in keeping with the existing pattern of development in the area. The ridge height proposed is similar to that at number 52 Strand Street. The development would not result in overlooking or overshadowing of number 48 Strand Street as there is no window on the elevation facing this property.

The applicant refers to and quotes Section 2.1 of the Draft Urban Development and Building Height Guidelines (August 2018) which refers to of the National Planning Framework's reference to the need for increased density, scale and height in town and city centres. Sections 2.2 and 2.3 of the draft guidelines are also referred to in support of increased density of development and the re-use of brownfield sites.

The applicant refers to the side obscure glazing proposed for the rear balcony in order to reduce overlooking of nearby properties. It is submitted that the balcony is not in direct view of any residential windows and it is located in a section of streetscape where there is little or no direct impact on dwellings located along South Strand. The applicant submits that the balcony was omitted in the case referred to by the appellant (case ref. F17A/0235) due to proximity to properties to the north and south and as there was also another balcony to the front of the building which provided adequate amenity provision for the dwelling. It is submitted that the planning authority permits balconies where they are acceptable in site specific circumstances. It is submitted that the inclusion of the balcony meets the amenity requirements of the dwelling in the current case.

6.3. Planning Authority Response

The planning authority has responded to the effect that having considered the grounds of appeal it remains of the opinion that the development is acceptable subject to the conditions imposed in its decision. The authority requests that if permission is granted conditions 23, 25 and 26 should be included in the Board's decision.

6.4. Observations

No observations were submitted to the Board in relation to the appeal. 5 submissions were made to the planning authority during the period when the application was under consideration. One of these was from the appellant. The appellant's submission generally covered similar issues to those contained in the grounds of appeal. He also submitted that the size of the apartments did not comply with the then current Fingal development plan (Fingal Development Plan 2011-2017). The other submissions were also objections to the proposed development. The issues raised included injury to residential amenities of properties in the area due to overlooking and overshadowing, traffic hazard due to the narrow width of Callaghan's Lane and that the proposal would not be in character with the Skerries Architectural Conservation Area. Strong objections were made to the proposed balconies and in particular that to the rear of the building. It was also queried if use of the retail unit could exclude use as a restaurant or bar.

7.0 Assessment

- 7.1. I consider that the proposed uses for retail and residential purposes are appropriate and suitable uses for this town centre site which has been previously used as a retail outlet. I consider that the redevelopment of the site for such uses is generally in accordance with the provisions of the current development plan.
- 7.2. I consider that from townscape and sustainable development perspectives the existing single storey building on the site should be demolished and replaced by a two-storey structure at least on the Strand Street frontage. I agree with the

Conservation Officer's view that the existing building is of little architectural value or interest. I consider that it is out of character and detracts from the visual amenity of the area and is not in character with the architectural conservation area.

- 7.3. Having regard to the town centre location of the site I agree with the planning authority and the applicant that an increase in the density of development at this location is appropriate and acceptable. I consider that such an increase in density is supported by the provisions of the development plan, the National Planning Framework and the recently introduced Urban Development and Building Height Guidelines, which were in draft form when the applicant submitted the response to the grounds of appeal. (The Guidelines were formally published under section 28 of the Planning and Development Act 2000, as amended, on 7 December 2018). In principle I do not consider that the redevelopment of the site for a retail unit and two relatively small residential units would result in an excessive density of development for this town centre site.
- 7.4. In attempting to increase town centre densities there will inevitably be some increase in the mass and scale of buildings being erected in such areas. Problems in attempting to assimilate new development at higher density will be greater in Architectural Conservation Areas and areas with older, very low density and small-scale, structures such as that in question in the current situation. National policy however is to facilitate an increase in density and higher buildings in the centres of existing settlements.
- 7.5. I consider that the development proposed in the current case would be more in character with the Skerries Architectural Conservation Area than the existing flat roofed single storey structure which exists on the site. It would also, in my opinion, be more in character with the architectural conservation area than the two and a half stories building for which planning permission was granted in 2008 and renewed in 2013 (case ref. FO7A/1281). I also consider it to be significantly more in character with the conservation area than the two and a half storey building refused planning permission by the planning authority in 2017 (case ref. F16A/0604). I consider that the reduction in the eaves and ridge height to match those at number 52 Strand Street and the modifications proposed to the roof design and the Strand Street and Callaghan's Lane elevations result in a building more in character with the conservation area and the local setting than the previous proposal. I note in this

regard that number 52 is indicated to be a positive building in the streetscape, although not listed as a protected structure, in the character assessment of the Skerries Architectural Conservation Area.

- 7.6. Whilst I consider that the development now proposed is generally more appropriate to the conservation than that previously permitted and that recently refused permission, I share the Conservation Officer's concerns in relation to the proposed balcony on the front elevation and its appropriateness at this location in the conservation area. I consider that the feature would be out of character and would not harmonise with the existing street scape. The planning report indicates that it has been permitted in order to allow for a desirable increase in density at this town centre location and to comply with development plan requirements in relation to the provision of private open space for apartments. The appellant has submitted that the Conservation Officer has no objection to the proposal as indicated in the revised plans submitted on 28 May 2018. I note however that the Conservation Officer stated in her report of 8 June 2018 that what had been submitted in response to Item 4 of the request for further information was deemed to be acceptable. Item 4 however did not request any information or details in relation to the front balcony. There is no evidence accordingly to the effect that the Conservation Officer is now satisfied with the front balcony as indicated on the plans.
- 7.7. I consider that the balcony as proposed is inappropriate and that it should be modified. If necessary, some departure from development plan standards in relation to open space provision should be allowed in order to achieve a more appropriate visual integration into the conservation area. At a minimum I consider that the front balcony area should be enclosed at the Strand Street frontage by glazing with panels having clear vertical emphasis. Three glazing panels would seem desirable but I consider that the detailing of this glazing and its sub-division should be submitted for the agreement of the planning authority and the works should be carried out in accordance with the agreed details. The effect would be to have a small conservatory at the front of the living area rather than a balcony as proposed. As an alternative to this modification I consider that it would be more acceptable, than the current proposal, to extend the living area to include the balcony and modify the external elevation to provide for vertical emphasis windows on the front (Strand Street) elevation. I do not consider that either of the options indicated would result in

a significant or material contravention of the development plan and either would result in a development more appropriate to the conservation area. In this case I consider that ensuring compatibility with the conservation area outweighs ensuring compliance with open space standards set in the development plan. I have included a condition to allow for either option, subject to the agreement of the planning authority.

- 7.8. There have been a number of submissions to the planning authority, in addition to the appellant's, raising issues of injury to residential amenity due to overlooking and overshadowing. The rear balcony in particular has been referred to in this regard. In a town centre site such as that in question some additional overlooking and overshadowing is inevitable if densities are to be increased as provided for in the national planning framework and the recent guidelines for planning authorities on urban development and building heights. I do not consider that the current proposal would result in such injury to the amenities of existing properties as to justify a refusal of planning permission. No windows are proposed on the northern elevation and the only window proposed on the southern elevation above ground floor level is an obscure glazed window serving the stairway. Glazing panels with obscure glass of 2 metres in height are proposed on the north and south elevations of the proposed rear balcony. The obscure side glazing on the north elevation of the balcony would prevent overlooking of the open courtyard to the rear of number 28 South Strand. I consider that the design proposed reasonably protects the residential amenities of existing properties at this town centre location. I would also point out that the area to the rear of the site including South Strand is not in the architectural conservation area.
- 7.9. Issues raised in submissions and in the transportation infrastructure divisions reports include ones related to the adequacy of Callaghan's Lane and potential traffic hazard arising from the development and in particular the car parking provision to the rear with access from Callaghan's Lane. Callaghan's Lane has a carriageway width of about 11 feet and there is no footpath. There is however already a vehicular access gate to the rear of the property off the lane and the 2 small residential units would not generate a significant volume of traffic. The transportation section has no objection subject to compliance with conditions contained in the planning authority's decision.

In the circumstances I consider that planning permission should not be refused due to inadequate access or traffic hazard.

7.10. The development proposed is a relatively small scale one and I do not consider that all the detailed conditions included in the decision of the planning authority in relation to the construction phase of the development are necessary. I also consider that some of the conditions in the decision are so imprecise that they do not comply with legal requirements in relation to conditions e.g. condition 11 and 21 (vii) limiting noise and dust so as not to cause nuisance to persons in the area. I have omitted condition number 25 as I do not consider that the planning authority is likely to get involved in completing the small development in question and it is most unlikely that the planning authority will ever be required to take the development in charge. I assume the contribution required by condition number 23 in lieu of public open space is a special contribution being required under section 48 (2) (c) of the 2000 Act and I have included such a special contribution. The details in relation to this can be resolved as set out in the condition.

7.11. The planning report indicates that a certification of exemption from the provisions of Part V of the Planning and Development Act 2000, as amended, was granted in relation to the previous application for planning permission for 3 apartments and a retail unit. Condition number 24 of the planning authority decision requires the applicant to apply for an exemption certificate and to comply with the Fingal Co. Council Housing Strategy. It is not clear if an exemption would be granted. I have included a condition to cover this issue (condition number 10).

7.12. Environmental Impact Assessment

The development, although of small scale, could be considered to fall within Class 10 (b) of Annex 11 of the EU EIA Directive. This class refers to Urban Development Projects. I consider, however, that the re-development of this small, town centre, site as proposed would not be likely to result in significant effects on the environment due to the nature, scale and location of the proposed development. In these circumstances, I consider that an environmental impact assessment of the proposal is not required.

7.13. Appropriate Assessment

Having regard to the location and nature of the development proposal I consider that the only designated sites with any remote possibility of being impacted are the 3 closest sites listed in the screening report submitted with the application. The sites in question are Rockabill SPA at a distance of 2.68 Kilometres, Rockabill to Dalkey Island SAC at a distance of 2.73 Kilometres and Skerries Islands SPA at a distance of 1.11 Kilometres. The bulk of the Rockabill to Dalkey Island SAC is a considerable distance from the site of the proposed development. Having regard to the distance between the site and the designated sites referred to and the absence of any relevant connectivity between the site and the bird species for which and sites have been designated I consider that the proposed development is not likely to have any effect on the sites in question. I also consider that due to the absence of any relevant pathway between the site and the reefs and Harbour Porpoises in the Rockabill to Dalkey Island SAC there is not likely to be any effect of the SAC relevant to the conservation objectives for the reefs and Harbour Porpoises. In these circumstances I consider that a second stage appropriate assessment as referred to in Article 6(3) of the EU Habitats Directive is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted subject to the conditions set out below based on the reasons and considerations set out in part 9 of this report.

9.0 Reasons and Considerations

Having regard to the town centre location of the site, to the zoning of the land in the current Fingal development plan, to the provisions in the National Planning Framework and the Guidelines for Planning Authorities on Urban Development and Building Heights (December 2018) encouraging higher densities in town centre locations, it is considered that, subject to compliance with the conditions set out in this Order, the proposed development would not be contrary to the provisions of the current development plan, adversely impact on the Skerries Conservation Area, be seriously injurious to the amenities of residential properties in the vicinity, endanger public safety by reason of traffic hazard or be otherwise contrary to the proper planning and sustainable planning of the area.

10.0 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 28 day of May 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The balcony proposed on the front elevation (Strand Street elevation) shall be modified by the provision of glazing, which shall be broken into panels with vertical emphasis, across the proposed opening. The vertical emphasis panels shall be framed in timber. Alternatively, the balcony area shall be incorporated into the living area and windows with vertical emphasis shall be provided on the front elevation.

Details of the revision required shall be submitted to the planning authority for its written agreement, prior to the commencement of development, and the works shall be carried out in accordance with the written agreement.

Reason: To assimilate the proposed development into the streetscape of the Architectural Skerries Conservation Area.

3. The retail area at ground floor level shall be used only as a shop as referred to in Class1, Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and as defined in Article 5 of the regulations referred to. The shop shall be open to the public only between the hours of 08:00 and 22:00 Monday to Friday and between 09:00 and 18:00 on Saturday, Sunday and public holidays. Goods deliveries to the shop shall not take place between the hours of 22:00 and 07:00.

Reason: To protect the amenities of residential properties in the area.

4. Any security shuttering provided on the windows/glass doors of the retail unit shall be of an open grill type and shall be installed behind the line of glazing. Glazing on the retail unit shall be of clear glass and devoid of graphics. No signs other than those indicated on drawing AI- 101 received by the planning authority on 28 May 2018, except exempted development, shall be erected on the premises without a prior grant of approval. Prior to the commencement of development, the developer shall submit to the planning authority for its written agreement details of the proposed lettering of the signage and of the stone proposed on the front and side elevations.

Reason: In the interests of visual amenity and to protect the character of the Skerries Architectural Conservation Area.

5. Connections to water and

drainage facilities shall be in accordance with the requirements of the planning authority.

Reason: In the interests of public health.

6. The boundary wall at the side of the vehicular entrance from Callaghan's Lane shall not exceed 0.9 metres in height and the vehicular entrance shall be 4 metres in width. Any gate at the entrance shall open inwards only. A 0.9 metre wall shall be constructed projecting westwards a distance of 1 metre from the entrance door to the apartments. Details of the wall/vehicular entrance off Callaghan's Lane and the wall at the entrance door to the apartments shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of road safety.

7. Prior to the commencement of development details of a Construction Traffic Management Plan for the development shall be submitted for the written agreement of the planning authority. This plan shall provide for un-inhibited access along Callaghan's Lane during the construction phase of the development. The lane shall not be used for the of construction materials or the parking of delivery or service vehicles.

Reason: In the interests of road safety.

8. Construction activities shall be confined to between the hours of 08:00 and 19:00 Monday to Friday and 08:00 to 14:00 on Saturdays, unless specifically agreed in writing by the planning authority. Deliveries of construction materials, plant and machinery shall also be confined to these specified times.

Reason: To protect the amenities of residential properties in the vicinity.

9. All public services to the development, including electrical and telecommunications cables shall be located underground.

Reason: In the interests of visual amenity.

10. Prior to the commencement of development, an application shall be made to Fingal Co. Council for an exemption certificate from the provisions of Part V, Section 96 of the Planning and Development Act 2000, as amended, and details of compliance with the Fingal Co. Council Housing Strategy shall be submitted to the planning authority. The developer shall enter into any agreement required by Fingal Co. Council in this regard.

Reason: To ensure compliance with Part V of the Planning and Development Act 2000, as amended.

11. 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.

12. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of public open space facilities. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Padraic Thornton

Planning Inspector

13 January 2019