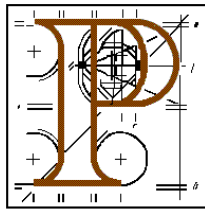


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0024

An Bord Pleanála Reference Number: PL 06F.245567

APPEAL by Rathbeale Road Residents Association care of Maeve Slattery of "Littledale", 55A Rathbeale Road, Swords, County Dublin against the decision made on the 7th day of September, 2015 by Fingal County Council to grant subject to conditions a permission to J.C. Savage Supermarket Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of: (i) refurbishment and renovation of existing ground floor library (413 square metres); (ii) construction of first floor extension (413 square metres) above existing building to provide a cultural facility/exhibition centre including meeting rooms and multipurpose spaces; (iii) construction of a two storey extension to the front of existing library building to provide a café/restaurant unit (262 square metres) over two levels within a glazed atrium space; (iv) hard landscaped public plaza and (v) reconfiguration and upgrade of existing south eastern surface car park to provide 82 number spaces. The development also includes all internal modifications, demolitions, lifts, stair cores, toilets, staff facilities, signage, external trolley bays and all ancillary, drainage and landscaping works, all on a site of 1.72 hectares and in accordance with Local Objective number 287 of the Fingal Development Plan 2011-2017 'to encourage the enhancement of Rathbeale Local Centre' at Rathbeale Public Library, Rathbeale Shopping Centre, Rathbeale Road, Swords, County Dublin.

DECISION

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

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Fingal County Development Plan 2011-2017, the relevant planning history of the application site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, 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.

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 day of 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. This permission relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown in the lodged plans.

Reason: In the interest of clarity.

3. The following requirements of the planning authority shall be complied with in full:
 - (a) the developer shall submit for the written agreement of the planning authority details of a relocated pedestrian access ramp which shall be in accordance with Part M of the Building Regulations. This ramp shall be more centrally located on the site providing a more direct access to this development;
 - (b) the layout and details of the pedestrian access routes shall be identified with suitable road makings and shall be agreed in writing with the planning authority and submitted for approval prior to any works being carried out; and
 - (c) parking bays 6, 7 and 8 shall be marked and signed as disabled parking bays.

Reason: In the interest of traffic safety and to ensure adequate infrastructure provision.

4. The following requirements of the planning authority shall be complied with in full with regard to surface water drainage:
 - (a) prior to the commencement of construction, the developer shall submit for the written approval of the planning authority an acceptable surface water drainage proposal following the principles of Sustainable Urban Drainage (SUDS) and in compliance with the principles outlined in the 'GSDSDS (Greater Dublin Strategic Drainage Study) Regional Drainage Policies Volume 2 New Development, August 2005';
 - (b) private surface water drains which are to be diverted shall be located a minimum distance of equal to the depth to invert level from any structure, including foundations;
 - (c) no surface water/rainwater shall discharge into the foul sewer system; and

- (d) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' Fingal County Council April, 2006.

Reason: In the interest of public health and orderly development.

5. The proposed café/restaurant shall only be used as a coffee shop or similar and shall not be used as a hot food take-away/restaurant.

Reason: In the interest of clarity and in the interest of residential amenity.

6. The opening hours of the café/restaurant shall be as follows:

Monday, Tuesday and Saturday	0800 to 2000
Wednesday to Friday	0800 to 2100
Sunday and Bank Holidays	1100 to 1800

Reason: In the interest of clarity and in the interest of residential amenity.

7. 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 prior to commencement of development.

Reason: In the interest of visual amenity.

8. Prior to the commencement of development, the developer shall submit a formal 'Advertising Signage and Illumination Plan' to the planning authority for written agreement prior to commencement of development. This plan shall, inter alia, include detail demonstrating:-

- (a) compliance with the provisions of the Fingal County Development Plan 2011 at Chapter 7 – 'Advertising Signage' and 'Shop Fronts', read in conjunction with Specific Objectives' UC19–UC26. In this regard, specific attention is required:-

- (i) the placement of 'Advertising Signage',

- (ii) the internal illumination of proposed 'Advertising Signage (that is whether to illuminate the featured names and motifs only),
 - (iii) the external illumination, or not, of proposed 'Advertising Signage',
 - (iv) restriction of the illumination of the proposed 'Advertising Signage' to during the hours that the Rathbeale Shopping Centre Complex, is open to the public, and
- (b) co-ordination and integration with the prevailing character and pattern of 'Advertising Signage', and the illumination or not thereof, serving the Rathbeale Shopping Centre Complex.

Reason: In the interests of clarity and orderly development, and in the interest of visual and residential amenity.

9. No advertising or other publicity material shall be posted in or around the front façade of this development including that which is exempted development under the Planning and Development Regulations 2001, as amended, without the prior grant of planning permission by the local authority or from An Bord Pleanála following appeal.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

10. No music or other amplified sound shall be broadcast externally from the proposed development.

Reason: To protect the amenities of the area.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

13. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of amenity.

14. The developer shall pay to the planning authority a financial contribution of €40,790 (forty thousand, seven hundred and ninety euro) 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. The application of any indexation required by this condition 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.

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

15. The developer shall pay to the planning authority a financial contribution of €13,720 (thirteen thousand, seven hundred and twenty euro) in respect of Metro North Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2016.