

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F16A/0107

An Bord Pleanála Reference Number: PL 06F.246687

APPEAL by Kylemore Services Group care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 12th day of May, 2016 by Fingal County Council to grant subject to conditions a permission to Tempore care of Stephen Little and Associates of 6 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Revisions to commercial/retail development permitted under planning register reference number F98A/1100 (as amended by planning register reference numbers F04A/0054, F06A/1683, F07A/0723, F08A/0027, F08A/1414 and F09A/0094) at Phase 2, Pavilions Shopping Centre. The proposed changes will comprise: At Ground Level: Works to existing Units G45, G46 and G47B comprising internal reconfiguration of walls, doors and vertical circulation associated with alterations to mezzanine levels above. At Ground Level Mezzanine: Amalgamate existing Unit G45 mezzanine store area (103 square metres) with existing Unit G46 mezzanine store area (155 square metres) for retail use associated with Unit G46, and associated internal reconfiguration works to walls, doors and vertical circulation at existing G45 and G46 mezzanine levels. Construct new mezzanine floor area (108 square metres) for retail use associated with retail Unit G47B. At First Floor Level: Subdivide existing retail Unit F23A (347 square metres), to create new restaurant/café Unit F23B (102 square metres). Change of use of remaining Unit F23A (242 square metres) from retail to restaurant/café. Associated internal reconfiguration works to walls, doors and vertical circulation at Units F23A and F23B. Change of use of ancillary cinema café unit F24 (280 square metres) to independent restaurant/café use. Construct new bridge link (128 square metres), with associated amendments

to existing adjoining walls, balustrades and doors. At First Floor Level Mezzanine: subdivide existing Unit F23A mezzanine store area (243 square metres) to create an ancillary storage area (50 square metres) for Unit F23A restaurant/café area below, an ancillary storage area (50 square metres) for Unit F24 restaurant/café below, a change to restaurant/café area (113 square metres) associated with Unit F23B restaurant/café below, and a lobby area (23 square meters). And associated internal reconfiguration works to walls, doors and vertical circulation all on a site (circa 0.135 hectares) at Pavilions Shopping Centre, Malahide 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 Development Plan 2011-2017, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact on the vitality and viability of Swords Town Centre, 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, 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. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. 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.

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

Dated this day of 2016.