

An
Bord
Pleanála

Board Order ABP-317501-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0174

Appeal by Rathbeale Road Residents Association care of Maeve Slattery, Secretary of "Littledale", 55A Rathbeale Road, Swords, County Dublin against the decision made on the 13th day of June, 2023 by Fingal County Council to grant subject to conditions a permission to Marnie and Me Limited care of Project Design Architects of Unit 1 Beech Court Business Park, Kilcoole, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: The retention of a café/takeaway trailer with external tables/seating, storage box and roof top signage and the change of use of part of a car park to use as a café/takeaway located at Dunnes Stores, 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, for a mobile coffee trailer in a commercial car park, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Fingal County Development Plan 2023-2029 and would not seriously injure the visual or residential amenities of the area. The Board also agreed with the Local Authority's assessment that in order to deal with concerns re segregation of customers from the users of the car park, the addition of a condition in relation to segregation of the seating area was appropriate in the interest of safety and proper planning. The proposed development would, therefore, be in accordance with the LC zoning for the site and with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby approved shall be restricted to a period of three (3) years only from the date of the final grant of permission. Upon expiry of this period the structure shall be removed, and the site reinstated to its original form unless permitted by a further grant of planning permission.

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

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, (as amended), and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to café/takeaway trailer (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

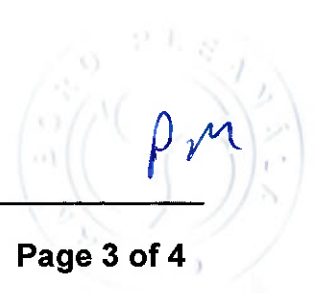
Reason: In the interest of residential amenity.

4. The hours of operation shall be between 0830 hours and 1600 hours Monday to Sunday and on Bank Holidays.

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

5. Details of how the applicant intends to provide adequate segregation between the seating area and the car park lane shall be submitted to the planning authority for their written agreement within four weeks of the date of the final grant of permission. The agreed proposal shall be implemented within eight weeks of the final grant of permission.

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



6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. Waste management arrangements, including the storage, collection and segregation of waste for recycling and recovery shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.



Peter Mullan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this *6th* day of *November*, 2023