



An
Coimisiún
Pleanála

Commission Order

ABP-322006-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0823E

Appeal by Maeve and Richard Slattery care of Michael Halligan of Seapoint House, Seapoint Lane, Balbriggan, County Dublin against the decision made on the 6th day of February, 2025 by Fingal County Council to grant subject to conditions a permission to HSE Estates Department care of Rhatigan Architects of City Gate, County Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing derelict two-storey residential property and outbuildings to construct new single storey day centre for adults with disabilities, with ancillary private open space, car parking, and all associated landscaping works, site works, and service installations, all at 57 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

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended, and
- the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the location of the site within an urban area zoned LC 'Local Centre', the provisions of the Fingal Development Plan 2023-2029 and, in particular Policy CIOSP9 (Education and Health), which supports, inter alia, the provision of health care and community resources throughout Fingal, the nature, scale and form of the proposed development, and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development for this urban location and would provide an amenity of value to the community, would be in accordance with the site zoning policies of the development plan, would not result in overdevelopment of the site, would not be of excessive scale on the site or result in overlooking or overbearing impacts, would not result in any adverse ecological or landscape impacts, would not result in a traffic hazard or an excessive increase in traffic, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted the Inspector's recommended condition number 5 requiring an increase in the height of the boundary walls to two metres; however, having regard to the nature, height and design of the proposed development, the Commission did not consider that such an increase was necessary to protect the residential amenity of surrounding properties and could give rise to an institutional look to the development and, therefore, decided to amend the condition to require details of the layout, materials and external finishes of the boundary walls to be agreed with the planning authority.

Conditions

1. The proposed 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 received by the planning authority on the 10th day of January, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Ecological Impact Statement (ECIA) and the 'Bat Fauna Survey for a Proposed HSE Day Centre at 57 Rathbeale Road, Swords, County Dublin' shall be implemented in full.

Reason: To protect the environment.

3. The operating hours shall be restricted to between 0800 to 1800 hours daily or as otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

4. 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 and to ensure an appropriate high standard of development.

5. Details of the layout, materials, and external finishes of the boundary walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

6. All mitigation measures in relation to archaeology and cultural heritage, as set out in the Archaeological and Architectural Heritage Impact Assessment Report, shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

7. The following requirements of the planning authority in relation to transportation shall be complied with:
- (a) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays exceeding the height of 900 millimetres which would interfere with or obstruct (or could obstruct over time) the required visibility splays.
 - (b) No gate shall open across a public footpath or roadway.
 - (c) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
 - (d) Any works to the public footpath and road carriageway to facilitate the proposed development and any repairs to the public footpath and road carriageway necessary as a result of the proposed development shall be at the expense of the developer and shall be completed to the planning authority's standards for taking-in-charge and to the satisfaction of the planning authority.

- (e) One of the communal parking spaces serving the proposed development shall be provided with a functional electric vehicle charging point. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and sustainable transportation.

8. During the operational phase of the proposed development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the development and shall be designed to ensure that no light spill to the rear of adjacent dwellings occurs. Such lighting shall be provided prior to commencement of development.

Reason: In the interest of amenity and public safety.

11. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

13. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) The plan shall provide for screened communal bin stores which shall not be located adjacent to boundaries with adjoining residential properties. The locations and designs of the bin stores shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

15. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

17. 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 Coimisiún 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.



Mary Gurrie

Mary Gurrie

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 30 day of June 2025.