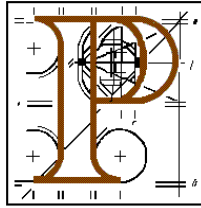


An Bord Pleanála



Inspector's Report

APPEAL DETAILS :

An Bord Pleanala Ref. No.:	PL06F.245567
Planning Authority:	Fingal Co. Co.
Planning Authority Reference No.:	F15A/0024
Applicant:	J.C. Savage Supermarket Ltd.
Nature of the Application:	Permission
Planning Authority's Decision:	Granted with Conditions
Location:	Rathbeale Public Library, Rathbeale Shopping Centre, Rathbeale Road, Swords, Co. Dublin
Description of Development:	(i) Refurbishment & Renovation of existing ground floor library (413m²); (ii) Construction of 1st floor extension (413m²) above existing building to provide a cultural facility / exhibition centre incl. meeting rooms & multi-purpose spaces; (iii) Construction of a 2-storey extension to the front of existing library building to provide a café / restaurant unit (262m²) over 2-levels with a glazed atrium space; (iv) hard landscaped public plaza; & (v) reconfiguration

& upgrade of existing SE surface car park to provide 82 no. spaces. The dev. also includes all internal modifications, demolitions, lifts, stair cores, toilets, staff facilities, signage, external trolley bays & all ancillary, drainage & landscaping works. All on a site of 1.72ha & in accordance with Local Objective No. 287 of the Fingal Co. Dev. Plan 2011-2017 'to encourage the enhancement of Rathbeale Local Centre'.

Appeal Type: 3rd Party (vs. Grant)

Appellant: Rathbeale Road Residents Assoc.

Observers: None

Date of Site Inspection: 09th December 2015

Inspector: Leslie Howard

1. SITE CONTEXT AND DEVELOPMENT DETAILS / DESCRIPTION:

(1) Site Location and Description:

The application site is located at Rathbeale Rd, NW Swords, Co. Fingal (see copy of regional locality map & 'Google- Earth' satellite imagery attached). Specifically, the stated approx. 1.72ha site, comprises part of the Rathbeale Shopping Centre (ie. overall gross FA of approx.7000m² & served by 292no. car parking spaces). Rathbeale Rd / R125 (Swords to Ashbourne road) passed the sites S-boundary frontage, has a speed limit of 50km/hr, and is heavily trafficked with all vehicle types. Rathbeale Rd is also a well served 'bus-route' with a 'bus stop' to each direction (ie. W & E) located directly in from of the Centre. At present, the Centre is 'anchored' by the J.C. Savage Supermarket, together with a Dunne's Stores 'non-food comparison retail outlet'. The Centre also comprises a range of smaller shops incl. a pharmacy, newsagent, hairdressers, florists & the Fingal Co.Co. operated Rathbeale Public Library. The Centre is currently served by a existing extensive surface car park accommodating 292no. spaces, with a landscaped boundary perimeter. Topographically, the site falls N-

ward away from Rathbeale Rd street level, with the surface car parking & the ground floor of the Centre, below the level of Rathbeale Rd. Vehicular access onto the Centre is gained via an 'entrance junction' located at the sites SW corner. The main pedestrian access is obtained via a stairway located approx. halfway along the sites Rathbeale Rd frontage, with another on the sites N-boundary boundary, enabling pedestrian accessibility along pathways originating from the proximate residential neighbourhoods to the N.

Contextually, the application site is bounded to the S by Rathbeale Rd & the Rathbeale Housing Estate beyond. To the E is a 'Lidl Discount Food Store' complex, as well as the Castlefarm Neighbourhood. Extensive 'public open space' bound's the site's N-boundary with extensive housing development N-ward's beyond. To the W-boundary exists the Mooretown Housing Estate.

The existing Shopping Centre is characterised as a large, modular like structure, noted with heights stated as between 9.3m & 11m, and with an overall gross FA noted as approx.7000m². To the front, the Dunne's Store component is the tallest element, with height reducing to the rear / N comprising the J.C. Savage Supermarket, with the Library building even lower and extending E-Ward. The existing Shopping Centre building may be described as clad in red & brown brick, with the use of banding & different facade relief enabling a variety in the appearance of the building. The existing Rathbeale Public Library building extension, situated to the NE of the Centre complex, is noted as being of late 1970's construction, with unfortunately, unremarkable appearance architecturally, as well as functionally. In fact, at the time of physical inspection, the library appeared closed (see attached photographs taken at the time of physical inspection).

(2) **Description of the Proposed Development:**

Application was made by JC Savage Supermarket Ltd. (c/o 'Hughes Planning & Dev. Consultants') for permission for development on the stated 1.72ha site, with the advertised development works incl.:

- *“refurbishment’ & ‘renovation’ of existing ground floor library (413m²);*
- *construction of 1st floor extension (413m²) above existing building to provide a cultural facility / exhibition centre incl. meeting rooms & multipurpose spaces;*
- *construction of a 2-storey extension to the front of existing library building to provide a café / restaurant unit (262m²) over 2-levels with a glazed atrium space;*
- *hard landscaped public plaza; &*

- *reconfiguration & upgrade of existing SE surface car park to provide 82no. spaces.*

The dev. also includes all internal modifications, demolitions, lifts, stair cores, toilets, staff facilities, signage, external trolley bays & all ancillary drainage & landscaping works, all on a site of 1.72ha & in accordance with Local Objective No.287 of the Fingal Co. Dev. Plan 2011-2017 – “to encourage the enhancement of Rathbeale Local Centre”, all at Rathbeale Road, Swords, North Co. Dublin.

(see series of plans, drawings & assoc. documentation prepared by ‘Hughes Planning & Dev. Consultants’, ‘Tyler Owens’ & by ‘Cronin & Sutton’, all date stamped received by the PA initially on the 27th Jan. 2015 & subsequently as F.I. 13/08/2015 on the appeal file).

2. PLANNING CONTEXT:

(1) Fingal Co. Dev. Plan (2011-2017):

Relevant provisions are briefly referenced as follows :

1.5 Core Strategy :

Settlement Hierarchy

Metropolitan Consolidation Towns

The emphasis of this Plan is to consolidate the existing zoned lands and to maximise the efficient use of the existing and proposed infrastructure. In this way the Council can ensure an integrated land use and transport strategy.

Chapt.7 Urban Fingal

Aim Create and conserve high quality, vibrant and sustainable urban areas.

7.1 Background :

What makes a high quality Urban Area ?

High quality urban areas are places where people want to live, work & visit. A successful urban area is made up of many components & will generally incl. the following characteristics :

- a sense of place;
- a safe, healthy local environment;
- a range of high quality easily accessible retail facilities;
- easy access to well resourced schools & health services;
- well designed open space providing a range of leisure activities;
- a strong, vibrant local economy that supports employment;
- good access to community facilities;

- a high standard of housing & residential layout;
- high quality accessible Public Transport;
- good accessibility & a high level of permeability;
- high quality 'Green Infrastructure' provision;

7.2 Urban Design

Urban Design Criteria for Urban Dev. :

The 12no. 'urban design principles' incl. :

- | | |
|-----------------|----------------------|
| • Context; | • Connections; |
| • Inclusivity; | • Variety; |
| • Efficiency; | • Distinctiveness; |
| • Layout; | • Public Realm; |
| • Adaptability; | • Privacy / Amenity; |
| • Parking & | • Detailed Design. |

Objective UD01

Submit a detailed design appraisal for developments in excess of 5no. residential units or 300m² of retail / commercial office development in urban areas. The design appraisal is required to :

- explain the design principles & design concept;
- demonstrate how the 12no. urban design criteria have been taken into account when designing schemes in urban areas. Each of the 12no. criteria is of equal importance & has to be considered in an integrated manner;
- outline how the development meets the Development Plan Objectives, & the Objectives of any 'Local Area Plan', 'MasterPlan', 'Urban Centre Strategy', 'Framework Plan' or other similar Plan affecting the site;
- include photographs of the site & its surroundings;
- include other illustrations such as photomontages, perspectives, sketches;
- outline detailed proposals for 'open space' & ensure the provision of 'open space' is designed in from the

beginning when designing a new scheme;

- outline how 'Green Infrastructure' integrates into the Scheme;

Contemporary Architecture :

- Affirm Council's commitment to "the promotion of the best of contemporary architecture";
- "The introduction of quality contemporary design solutions in existing contexts marks a return to a confidence about the contribution that this generation can make, in design terms, that is respectful of what gives a context its value while bringing a value of its own to that setting";

Objective UD03 : Encourage & promote the use of contemporary architecture for new developments except where such architecture is incongruous for a particular location.

Mixed Uses & Vitality of the Urban Areas :

- "To ensure that development takes place in a sustainable & efficient manner, mixed use developments are essential";
- "Such mixed uses should complement each other ...";

Objective UD03 Locate different types of compatible land uses eg. residential, employment, local retail & daily service needs close together, so as to encourage a greater emphasis on the use of sustainable transport modes.

Objective UD04 Encourage a mix of uses in urban centres where appropriate.

Objective UD07 Ensure all applications for new or extensions of existing uses ... protect residential & Visual Amenity.

Objective UD08 Assess planning applications in areas zoned 'Local Centre' in respect of the cumulative impact of non-retail uses at ground floor level in order to protect the retail viability of shopping areas, & to maintain the visual character of the 'Centres'.

7.4 Residential Development

Objective RD01 Ensure consolidated development in Fingal by facilitating residential development in existing urban areas.

Objective RD07 Require that new residential units comply with or exceed the minimum standards as set out in Tables RD01, RD02 & RD03.

7.6 Community Infrastructure :

Objective CI07 Support the provision of new community centres & facilitate the refurbishment & extension of facilities where there is a need for such works. Such facilities shall be accessible by a range of travel modes with an emphasis put on walking, cycling & public transport use, while providing limited car parking facilities to meet anticipated demand of non local visitors to the Centre.

Objective CI09 Ensure that the scale & design of any new building enhances the character of the area.

Objective CI10 Encourage the dev. of multi-functional buildings which are not used exclusively by any one group.

Chapt. 9 Land Use Zoning:

Zoning Objective “LC” Local Centre

Objective: “... to Protect, Provide for and / or Improve Local Centre Facilities”.

Vision: “Provide a mix of local community & commercial facilities for the existing & developing communities of the County. The aim is to ensure ‘Local Centres’ contain a range of community, recreational & retail facilities, incl. medical / dental surgeries & childcare facilities, at a scale to cater for both existing residential development & zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car & encourage pedestrians, cyclists & the use of public transport. The development will strengthen local retail provision in accordance with the Co. Retail Strategy”.

Use Classes related to Zoning Objective

Permitted in Principle incl.: 'Cultural Facility'; 'Recreational Facility'; 'Restaurant / Café'; 'Community Facility'

(see Map – Fingal Co. Dev. Plan 2011 Land Use Zoning Objectives).

Swords Local Objectives (Sheet 8) :

Objective 287 Encourage the enhancement of Rathbeale 'Local Centre';

(2) Planning History of the Appeal Site and its environs:

The following relevant planning history is apparent on the application site:

Reg.Ref.No.F13A/0333: Applicant: JC Savage Supermarket Ltd.

Proposed dev.: "... 2 no. internally illuminated 'JCs' signs to denote the main entrance to existing retail unit located on the eastern and western elevations of the existing building. This development also includes all ancillary works necessary to facilitate the development", all at 'Rathbeale Shopping Centre', Rathbeale Road, Swords, Co. Dublin

PA decision: Granted (Decision Order No.PF/1002/13; dated 31/10/2013), subject to 4no. stated 'Conditions', notably:

- compliance with plans & particulars (ie. as proposed);
- specification on scope of the permission re. 'statutory notices';
- specification of scope of hours of illumination of signage; &
- limitation of intensity (ie. glare) of illumination;

Reg.Ref.No.F12A/0088: Applicant: JC Savage Supermarket Ltd.

Proposed dev.: "... Replacement of existing 5.175m sign with a new 7.6m internally illuminated pole sign and for all ancillary engineering works necessary to facilitate the development to denote the Rathbeale Shopping Centre, Rathbeale Road, Swords, Co. Dublin in accordance with Local Objective No. 287 of the Fingal Development Plan 'to encourage the enhancement of Rathbeale Local Centre'", all at 'Rathbeale Shopping Centre', Rathbeale Road, Swords, Co. Dublin

PA decision: Refused PP (Decision Order No.PF/0937/12; dated 28/08/2012), for 2no. stated 'Refusal Reasons', summarised as follows:

- serious injury to visual amenities locally (contrary to 'Zoning Objective – LC' & 'Objective UC19');
- non-demonstration of planning permission for "the existing signage" (ie. proposal could result in alterations / amendments to an unauthorised structure);

Permission subsequently granted by ABP under **Reg.Ref.No.PL06F.241107**, consequent of 1st Party Appeal, subject to 05no. Conditions (Decision Date – 27/05/2013). Notably, these Conditions addressed:

- restriction / re-specification of "internal illumination of the proposed sign";
- prohibition on external illumination of the proposed sign;
- specification of scope of hours of illumination of signage;

Reg.Ref.No.F11A/0055: Applicant: JC Savage Supermarket Ltd.

Proposed dev.: "... An extension at first floor level (total 43m²) comprising staff meeting room and produce scan room for use ancillary to the existing JC Savage supermarket, and for all ancillary engineering site development works necessary to facilitate the development", all at 'Rathbeale Shopping Centre', Rathbeale Road, Swords, Co. Dublin

PA decision: Granted (Decision Order No.PF/0493/11; dated 14/04/2011), subject to 07no. stated 'Conditions', notably:

- compliance with plans & particulars (ie. as proposed);
- specification on scope of the permission re. 'statutory notices';
- specs. re. external finishing;
- mitigation of negative impacts of construction works on the local area; &
- specs. re. 'financial contributions';

Reg.Ref.No.F96A/1032: Applicant: Robert Savage Ltd.

Proposed dev.: "... Alterations to previously approved extension to existing shopping centre (**Reg. Ref.No. F95A/0787**) which includes:- (a) change of use of first floor office / storage to retail; (b) extension to first floor; (c)

alterations and extension to ground floor plan; (d) alterations to facade; (e) ancillary landscaping and car parking; (f) erection of signage along Rathbeale Road frontage”, all at ‘Swords Shopping Centre, Rathbeale Road, Swords, Co. Dublin.

PA decision: Granted (Decision Order No.PF/1428/97; dated 19/06/1997), subject to 13no. stated ‘Conditions’, summarised as follows:

- compliance with plans & particulars (ie. as proposed & revised by Condition), & weighting regard “to protecting the residential amenities of adjoining houses & the general amenities of this suburban area”;
- specs. re. ‘financial contributions’ (ie. ‘roads improvement & traffic management’ & ‘public services’);
- restrictions on Advertising Signage;
- mitigation of negative impacts of construction works on the local area;
- specs. re. all external finishing & colours;
- specs re. landscaping, planting & boundary treatment;
- requirements re. disability access;

Reg.Ref.No. F95A/0787: Applicant: Robert Savage Ltd.

Proposed dev.: “... (a) alterations to existing retail units; (b) for the construction of new floor between the existing retail units providing a covered shopping mall and first floor storage / office accommodation; (c) extension to existing shopping centre”, all at ‘Swords Shopping Centre, Rathbeale Road, Swords, Co. Dublin.

PA decision: Granted (Decision Order No. dated 20/12/1995), subject to 15no. stated ‘Conditions’.

Permission subsequently granted by ABP under **Reg.Ref.No.PL06F.098044**, consequent of 1st Party Appeal (re. ‘Remove Condition(s)’ & ‘Amend Condition(s)’), subject to Conditions (Decision Date – 17/05/1996). Notably, these Conditions addressed:

- specs. re. Conditions to be ‘removed’ & / or ‘amended’;
- requirements re. pedestrian connectivity & “pedestrian priority over vehicular traffic”;
- compliance with plans & particulars;

- specs. re. 'financial contributions' (ie. 'roads improvement' & 'public water supplies & sewerage services');
- restrictions re. Advertising Signage;
- specs re. landscaping, planting & boundary treatment;
- requirements re. disability access;

The following relevant planning history is apparent in the vicinity of the application site:

Reg.Ref.No. F10A/0088: Applicant: Lidl Ireland Gmbh

Proposed dev.: "... Construct a Licensed Discount Food Store with gross floor area of 1666m² (1274m² net retail area) on the site of an existing convenience store & petrol station forecourt, to include the removal of all existing structures on site, namely (1) existing convenience store, (2) existing petrol station forecourt and canopy (including disposal of decommissioned fuel tanks), (3) existing large-scale automated car-wash facility, and (4) existing dwelling house. The development also incl. the provision of an ESB MV sub-station, 1 No. free-standing pole-mounted illuminated sign, 2 No. building-mounted illuminated signs, surface-level car parking, new on-site foul and surface water drainage layouts and connecting to public mains at existing connections", all at Rathbeale Road, Swords, Co. Dublin.

PA decision: Granted (Decision Order No.PF/1386/10; dated 03/11/2010), subject to 24no. stated 'Conditions', summarised as follows:

- compliance with plans & particulars (ie. as proposed & revised by F.I. & Condition) & weighting regard to protecting contextual residential amenities;
- specs. re. 'roller shutters' / 'security shuttering', re. mitigation of Visual Amenity;
- specs re. landscaping, planting & boundary treatment, re. mitigation of Visual Amenity;
- specs & restrictions re. 'Illumination of Lighting' & 'Advertising Signage';
- specs. re. public car parking;
- restrictive specs. re. additional advertising signage on site;
- specs. re. noise abatement & control;

- specs. re. revised plans detailing setback separation distance between the new store building & adjacent residential houses;
- required 'litter-bins';
- restrictions re. use of new store (ie. discount food store only);
- specs. re. trading hours;
- specs. re. mitigation of negative impacts from 'construction' & 'demolition' waste management;
- specs. re. all external materials', finishing & colours;
- specs. re. 'financial contributions' (ie. 'Metro N Scheme' & 'Public Infrastructure & facilities');

(3) Planning Authority Reports:

- (a) The Planning Officers planning report dated the 07/09/2015 (subsequent to initial report dated 20/03/2015, the PA F.I. request dated 20/03/2015 & the applicant's F.I. response submission received date stamped 13/08/2015 – copies flagged on the appeal file) recommends that "permission" be GRANTED, generally subject to the same Conditions set out in the Managers Order below. This recommendation was made having regard to:
- (i) Confirmation & clarification of the nature and composition of the proposed development;
 - (ii) Consideration of the locational context of, and character of the application site;
 - (iii) The relevant planning history (see 3(2) above);
 - (iv) Confirmation of on-site infrastructure services proposals;
 - (v) The relevant Co. Dev. Plan 2011-2017 provisions (see 2(1) above);
 - (vi) Confirm 'pre-planning consultation' (21/07/2015) & that whilst "overall the proposed dev. was considered to be acceptable in principle", applicant advised to address the 'issues of concern' raised (ie. details re. access, drainage, architectural design & layout, materials & finishes, Dev. Standards, car parking & Dev. Plan "policy compliance", in any forthcoming application for planning permission;
 - (vii) Clarify referrals re. 'Co. Departmental' & 'Prescribed Bodies' (see 3(c) below), as follows:
 - 'Irish Water' – no objections, subject to conditions;
 - 'Railway Procurement Agency (RPA)' – Request a 'Metro North Section 49 Levy', be included if permission is to be granted;

'Water Services Planning Section' – F.I. requested re. foul sewer, surface water drainage & water supply;

'Surface Water Drainage' – No objection subject to recommended Conditions;

'Transportation Planning Sect.' – F.I. requested. Subsequently, Conditions recommended in the event that PP granted;

(viii) 3rd Party Submissions' / Representations':

"A number of letters of Objection ... received & are noted in the preparation of this report" (see 3(b) below);

Deputy Clare Daly "... expressed some concern about element of the dev. but supports the extension of the library";

Cllrs' Devitt & Butler "... support the proposed development";

Issues of "planning concern" argued incl.:

- potential overlooking from the library into adjoining properties;
- glare from the building will impact on neighbouring houses;
- a reduction in car parking spaces will cause traffic issues locally;
- the proposed cafe / restaurant could encourage anti-social activity locally;
- the proposed building design is out of character with the locality;
- potential odours & noise from the cafe / restaurant element of the proposed development; &
- the proposed restaurant could have excessive signage & is out of character in proximity to the library;

(ix) Key 'Planning Issues' :

- Zoning;
- Compliance with Co. Dev. Plan 2011-2017;
- Proposed Layout;
- Impact on 'Visual Amenity' of the Area;
- Impact on the 'Residential Amenity' of the Area;

(x) Planning Assessment (Initial) :

Zoning :

- 3no. different elements are proposed, as follows :
 - works to an existing library;
 - a new exhibition / cultural centre; &

- a cafe / restaurant;
- Assert each of these 3no. elements comply with the ‘LC’ Zoning Objective applicable to the site;

Compliance with Co. Dev. Plan 2011-2017 :

- Local Objective 287 seeks to –“encourage the enhancement of ‘Rathbeale Local Centre’”;
- Consider the proposed –
 - upgrade of the existing community facility (ie. the library); &
 - development of a new exhibition / cultural centre & a cafe / restaurant,
 each comply with Local Objective 287;
- Confirm applicant’s submission of details re. compliance with Objective UD01, & incl. several photomontages & photographs of the existing site. Consider these as “acceptable in what they demonstrate”;
- Further, assert the proposed dev’s. compliance with Objectives CI08 & CI10;

Proposed Layout :

- Express concern re. “the external layout”, as follows :
 - the entrance plaza not acceptable in current form;
 - rather, the orientation “should be more on a N-S axis, than E-W”;
 - existing pedestrian access into the Library is via a narrow footpath (ie. 1.75m-1.8m). Note that the proposed ‘Plaza’ will open up the front of the building;
 - Note that the photomontages & the site layout plans / floor plans “do not correspond & may give rise to confusion as to what is proposed”;
 - car parking shown immediately in front of the building (in photomontages), but not on the site layout plan – “this will need clarification”;
 - Consider that the ‘Plaza’ area be revised in a way to “improves pedestrian access & improves the entrance for the library & the cultural area”;

- Further, “insufficient detail ... re. the proposed cafe / restaurant, as follows :
 - having regard to submitted floor plans, “this would appear to be a coffee shop / small cafe rather than a restaurant”;
 - therefore concern “that this may be a fast food outlet though the layout would suggest otherwise”;
 - F.I. to be requested re. this element of the proposed dev.;
 - consider that the cafe, with its mezzanine, “could provide for a nice space but as it is on a SW orientation, it could become very hot due to the amount of sun it receives”;
 - note that some of this sunlight will be blocked by the existing Dunne’s Store building, but assert need for clarity re. “what times of the year this may be a problem”;
 - applicant to clarify, “how this can be addressed architecturally as large screens / blackout blinds may negatively impact on the visual amenity of the development”;

Impact on ‘Visual Amenity’ of the Area :

- note lack of clarity re. compliance with Objective CI09, “in that the proposed development may have a negative impact on the existing residential amenity of the area through its design”;
- accept the library “is a contemporary designed building, and the concept is an improvement on the existing building which is somewhat tired, dated & uninviting”;
- comment that it is not clear what the proposed dev. will look like if constructed. The details submitted –
 - “do not adequately provide a clear impression of the colour pattern of the metal rain screen cladding”; &
 - “if ... there will be a glare from this on a sunny day, especially as it faces SW” (noted as an expressed concern in letters of objection);
- further details in this regard to be sought from the applicant;

- consider that this issue can be addressed, but that there has been a lack of clarity / information provided re. “this very important element of the development”;
- re-affirm the need for revision to the ‘Plaza’ area “to give more priority to pedestrians, & to provide a suitable entrance to this building”;
- in addition to the increase in ‘floor area’, the increase in the number of potential uses will encourage a greater footfall in the area;
- insufficient details re. the ‘Plaza’ – “materials & what is actually proposed” (eg. proposed planter shown as a car parking area in the photomontages);

Impact on the ‘Residential Amenity’ of the Area :

- consider proposed dev. / re-dev. :
 - “will provide an improved mix of community facilities for the immediate area”; &
 - “attempts to comply with Local Objective 287”;
- in general, PA do not foresee that “the proposed dev. will have a negative impact on the residential amenity of the area re. overlooking or loss of daylight”;
- note 1st floor level windows “are high level”. Therefore overlooking of ‘Castlefarm’ houses to the E, “should not be an issue”;
- applicant to provide a ‘Lighting Plan’ for the site (incl. details of the type of lighting to be provided);
- note the revised car parking area & the potential delivery area to the E of the site “could give rise to the need for additional lighting structures”. In turn, this could result in increased light spill, especially to the ‘Castlefarm’ houses to the E;

Comment on received reports:

- Water Services Planning Sect. – No objection, subject to Conditions;
- ‘Irish Water’ – No objection, subject to Conditions;
- Railway Procurement Agency (RPA) – Comments noted;
- Transportation Planning Sect. – F.I. re. several aspects of the dev. as follows :

- rationale for 2no. delivery areas (noting the delivery area shown to the E of the site, adjacent the library);
- pedestrian access to be revised, allowing for greater access for all;
- potential for ramp type easy access linking bus stop on Rathbeale Rd with the library & assoc. dev.; &
- adequacy of car & bicycle parking space provision;

Comment on the letters of Objection / Representation:

- Comments noted, as well as the representations’;
- Proposed redev. of the library & the provision of additional facilities “are welcomed & it is in accordance with Objective 287”;
- Reference several issues identified in the letters of objection :
 - potential for glare due to building design;
 - design & overall detail of this element;
 - no ref. to a “fast food restaurant” made in the public notices or attached report;
 - note a “fast food restaurant” could be controlled by Condition;
 - ‘opening hours’ (could be limited to coincide with other uses on site);
 - car parking space provision (F.I. to provide clarity);

Conclusion:

- Several “significant issues requires further information before a final decision can be made on this application”;
- F.I. issues incl.:
 - design of the extension;
 - “access to the site is poor”;
 - query certain elements “without any justification” (ie. the revised delivery area, the large café & ‘design of the building’);
- Ref. that the Co. Transportation Planning Section also raised issues to be addressed via F.I.;
- PA F.I. request to applicant drafted around 5no. primary issues (ref. PA F.I. request letter dated 20/03/2015);

(xi) Planning Assessment re. 'F.I. Submission' (received by PA – 13/08/2015) :

Applicant's F.I. submission considered "an acceptable & full response to the F.I. request". Further, The F.I. details / issues deemed as "not significant & revised Public Notices were not requested";

3rd Party Submissions / Representations (re. F.I. Submission) :

Considered as "similar to those already submitted".

Concerns incl. :

- design of the building;
- threat of glare from the windows;
- light pollution;
- increased activity leading to increased traffic movements & to a loss of residential amenity;

Confirm these issues "have been noted in the preparation of this report";

PA Response to F.I. Item No.1 – "Proposed design & external treatment of the Library Building :

Details of External Materials :

- Clarify the glazed front façade of the building to be angled at 3degrees, thereby reducing the potential for any glare;
- This angle to direct any glare downwards towards the ground;
- Applicant understood to use 'Carey Glass' to supply the glazing for this development;
- Further, a specialist coating to be applied to the glass which can absorb glare / heat;

Solar Gain :

- Clarify :
 - the design & type of material used will ensure solar gain is reduced; &
 - the solar neutral glass does not impact on light transmittance or on the colour rendering of the glazing;
- the revised 'Plaza' area to the front proposes provision of semi-mature trees (ie. White Birch), which will provide additional screening;

Applicant's response to Item No.1 noted;

PA Response to F.I. Item No.2 – “Issues re. the proposed ‘Plaza’” :

Revised ‘Plaza’ :

- Note revised site layout plans submitted, incl. revision of the ‘Plaza’ to the front of the building – Drawing No. 2014-60-PAI-100;
- The area has been revised to provide for a SW to NE axis;

Planter replaced with Trees :

- Proposed planters in the ‘Plaza’ area replaced with 3no. semi-mature white birch trees;
- The birch trees will screen the front of the building & also screen the car parking area when viewed from the building;

Materials details of the ‘Plaza’ :

‘Plaza’ to be finished with Chinese granite pavements laid in a brick pattern with Chinese granite kerbing;

Photomontages :

Revised photomontages submitted, showing “the correct relationship of the car parking to the extended building”;

The revised details noted. Consider it as unfortunate that the ‘Plaza’ to the front of the building could not be further increased in size but the revised layout is acceptable. Consider the replacement of the planters with the trees is preferable. The revised photomontages submitted, considered as more accurate than those provided with the original application;

Applicant’s response to Item No.2 noted;

PA Response to F.I. Item No.3 – “Transportation Issues” :

Parking Deficit :

- Clarify reduction of car parking spaces available from 292no. spaces (current) to 281no. spaces (ie. consequent of the proposed dev. & upgrade of the public realm of the site);
- Note applicant’s substantive breakdown of the reduced car parking space provision, based on the different land uses;
- Applicant asserts that :

- car parking demand will be less, having regard to the number of potential dual purpose trips to this ‘Local Centre’; &
- the proposed dev. will “have minimal impact on the availability of car parking for this dev. & for existing uses”;

Cycling Parking :

- Clarify provision of a bicycle rack, accommodating 20no. bicycles;
- Applicant calculates that to Standard, 4no. bicycle spaces are required. The provision of 20no. spaces “is well in excess of this”;

Need for 2no. Delivery Areas :

- Applicant clarifies that 2no. delivery areas have existed on site for years & that the proposed dev. does not change this;
- Confirm applicant proposal of an ‘acoustic screen’ on the boundary with the Castlefarm residences located to the E of the application site (ie. ref. that this would be similar to the ‘acoustic screen’ provided as part of the Lidl Dev. further E / SE);

Designated Pedestrian Routes :

- ref. Drawing No.2014-60-PAI-100a indicating “designated pedestrian routes as requested”;
- Clarify provision of an ‘accessible ramp’ in the SE corner of the site, enabling access from Rathbeale Road;

PA note comments submitted by the Co. Transportation Planning Sect. re. the F.I. submission. Note that a total deficit of 108no. car parking spaces would result (ie. max. of 375no. spaces required, a total of 292no. spaces proposed);

Note proposed pedestrian routes. However, the accessible ramp considered “not acceptable in its current form as no safe area is provided at the end of the ramp within the car parking area”. Conditions recommended, should PP be granted;

PA note comments by the applicant & the Transportation Planning Sect.;

PA note the car parking space deficit. However, weighting regard to “the location of the site, the availability of public transport & the dual use of facilities on site”,

believe that an adequate provision of car parking spaces exists;

PA believe issues of 'bicycle spaces' & the 'delivery areas' have been adequately addressed by the applicant;

PA Response to F.I. Item No.4 – “Details of the proposed ‘Site Lighting’” :

- Note submission of details re. “proposed car parking / site layout lighting”. The spatial layout / location of the public lighting shown on the revised site layout plan (ie. Drawing No.2014-60-PAI-100) & technical specs detailed in the Franco Ares LED lighting specification document;

PA note information submitted. However, no details provided of the type of light standard & the range / level of public lighting;

LED lighting by nature, “is very focussed & does not result in light spill”. Therefore, “the number of lighting locations may not be sufficient to light the site area”;

Having regard to intended increase in public activity in the area, believe that the area “should be appropriately lit to encourage use of the library”;

Applicant’s response to Item No.4 noted;

PA Response to F.I. Item No.5 – “Details with regard to the proposed cafe / restaurant” :

Type of facility :

- clarify that the proposed café / restaurant is “to be used as a coffee shop & will be franchised”;
- Note applicant’s statement that “it will not be used as a fast food / takeaway restaurant”, & that “food will be consumed on site”;

Opening Hours :

- Clarify that opening hours “are proposed to match that of the Local Centre” (ie. detailed listing of opening hours for the week provided by applicant);

Extraction / Ventilation Ducting :

- Note requirement for a small flue for extraction from the food preparation area;
- flue to be located to the rear of the building (as shown in Drawing No.2014-60-PAI-100);

Location of Signage :

- Note details of proposed signage, as shown on Drawing No.2014-60-PAI-100;
- This signage to be internalised & will be visible through the glazing;

PA considers these F.I. details acceptable, & “clarify the nature & operational details of the proposed café / restaurant facility”;

Consider the proposed operating hours as acceptable, as well as the use of this facility as a coffee shop;

Further, the proposed flue will not have a negative impact on visual amenity locally;

re. Signage, consider that internal signage proposed, “should be rationalised such that it does not dominate the external treatment of this building”;

Applicant’s response to Item No.5 considered acceptable;

Comment on letters of Objection :

- PA note comments raised in the letters of objection;
- Clarify that some of the F.I. requested was consequent of issues argued in the initial 3rd party objections / submissions;
- The issue of ‘solar glare / reflection’ has been addressed by the applicant :
 - ‘solar glare’ by way of use of suitable glazing & the angling of the glass;
 - ‘reflection’ mitigated / limited having regard to the level variation between the application site, & Rathbeale Rd above, together with the presence of landscaping;
- Light pollution not considered as an issue, considering its location on the site;
- Proposed LED type car park lighting will further reduce the amount of light spillage;
- Consider the building “should not be shuttered at night as such a treatment is not appropriate for a building such as this”;
- Consider the proposed coffee shop as an acceptable use in this location. Emphasise that a designated ‘Local Centre’ should offer a range of

services locally, & that a coffee shop would increase this range ;

- Note concerns re. 'overlooking'. However, the proposed facility is over 80m away from the houses on Rathbeale Rd. this separation distance, "should not give rise to serious disamenity from overlooking";
- Confirm there being "no record of any revisions to the opening hours for the JC Savages Supermarket, but no record of any limit to the opening hours has been found in the planning history for this unit";
- Clarify that a Condition re. the opening hours' for the Coffee Shop to be provided "in the interest of clarity";

Conclusion :

- Conclude proposed dev. as acceptable, with no foreseen negative impact on the visual amenity locally, nor have an impact on adjoining sites;
- Reference applicant's proposal of "a high quality façade treatment in order to provide a greater sense of importance for this public building as a civic amenity";
- Assert the provision of a 'Plaza' to the front of the building "increases the sense of importance & which is considered to be appropriate for this 'Local Centre';
- The proposed 'coffee shop' increases the range of options available locally;
- Conclude proposed building design as acceptable, with no foreseen negative impact on visual or residential amenity locally;
- Note the applicant's considered design of the building "in such a way that 'solar glare' is not an issue";
- The comments of the Co. Transportation Planning Sect. have been noted. Specifically, the 'accessible ramp' not considered suitable in the site location proposed. Rather, a more suitable location "would be opposite the 'Plaza' / almost midway along the road frontage". Conclude that "this can be addressed by way of Condition";

- Recommend that permission be granted, subject to Conditions.

(b) **Objections / Submissions:**

6no. 3rd Party submissions noted on file as follows:

Rathbeale Rd. Residents Assoc. # – c/o The Secretary, 55A
Rathbeale Rd., Swords, Co. Dublin
P. Smyth – 53Rathbeale Rd., Swords, Co. Dublin.
E. & R. Barrett – 55 Rathbeale Rd. , Swords, Co. Dublin.
Clare Daly Td + – 21 Elmwood Drive, Swords, Co. Dublin.
Cllr D. Butler * – 17 Highfield Close, Swords, Co. Dublin.
Cllr A. Devitt * – c/o Fingal Co. Co.

Issues of “planning concern” argued incl.:

- potential overlooking from the library into adjoining properties;
- glare from the building will impact on neighbouring houses;
- a reduction in car parking spaces will cause traffic issues locally;
- the proposed cafe / restaurant could encourage anti-social activity locally;
- the proposed building design is out of character with the locality;
- potential odours & noise from the cafe / restaurant element of the proposed development; &
- the proposed restaurant could have excessive signage & is out of character in proximity to the library;

current 3rd Party Appellants’.

+ “... expressed some concern about element of the dev. but supports the extension of the library”;

* “... support the proposed development”;

(c) **Departmental and Statutory Body Comments:**

Co. Transportation Planning Sect.: No clear objection ‘in principle’, apparent. However, ‘comments’ summarised as follows, in pursuit of F.I. clarity –
General:
Site located on Rathbeale Rd (ie. the R125 – Swords to Ashbourne) in a 50km/h speed limit;
Access is through the existing Centre surface car park;

Car & Bicycle Parking:

F.I. re. “how applicant to deal with the parking deficit ... & the provision of bicycle parking”;

Delivery Areas:

F.I. re. “the need for 2no. delivery areas within the overall site”;

Pedestrian Access / Connectivity:

F.I. re. “a revised site plan indicating designated pedestrian routes. The design to address connectivity, permeability & accessibility issues raised ... incl. an access in accordance with Part M of the Building Regs. to the E side of the site.

Response to F.I. Submission:

Car & Bicycle Parking:

Note proposed dev. has a max car parking requirement of 14no. spaces (ie. a GFA increase of 675m² of ‘Cultural / Community’ & ‘cafe’ uses);

Applicant proposes a new total of 281no, car parking spaces, reducing the number of car parking spaces by 11no.;

Consequently, the car parking space deficit is increased by 25no. spaces;

Access:

Concern re. revised plans locating the Part M pedestrian access in the SE corner, “removed from the central access to the overall dev. & the bus stops on the Rathbeale Rd.”;

Specifically re. “pedestrian vehicle conflict at the point where pedestrians leave the ramp into the car park area”

This “conflict” to be resolved by Condition”;

Note that no disabled car parking bays have been indicated;

Conclusion:

Note the increased deficit of 25no. car parking spaces, in addition to the existing deficit of 83no. spaces;

Notwithstanding, if a PP is under consideration, then recommend that 3no. Conditions to be applied addressing:

- Part M pedestrian access to be agreed with the PA, & submitted for approval, prior to commencement of any works;
- pedestrian access routes to be identified with suitable road markings, to be agreed with the PA, & submitted for approval, prior to commencement of any works;
- car parking bays no. 6, 7 & 8 to be marked & signed as disabled parking bays;

(see reports dated 10/03/2015 & 28/08/2015).

Irish Water: Stated 'no objection', subject to 3no. Conditions (see report 09/02/2015 & 19/08/2015).

Co. Water Services Sect.: re. 'Surface Water' – Stated 'No Objection', subject to 4no. recommended Conditions (see report 17/08/2015).

Railway Procurement Agency (RPA): No clear objection apparent. However, a Condition recommended re. "a Section 49 Metro North Levy" (see report 12/06/2015).

No other Departmental or Statutory Body comments apparent.

(4) **Planning Authority Decision Details:**

Fingal Co. Co. as Planning Authority, by Decision Order No. PF/1074/15, dated the 07th September 2015, decided to 'Grant Permission' for the proposed development, subject to 17no. stated Conditions (see appeal file). In the context of the current 3rd Party Appeal, the most noteworthy is considered as:

- Condit. No.1:** Compliance with plans & particulars lodged, except as amended;
- Condit. No.3:** Spec. requirements of the Co. Transportation Planning Sect. re. Part M pedestrian access; pedestrian access routes to be identified with suitable road markings & designation of 3no. disabled car parking bays;
- Condit. No.4:** Spec. requirements for 'surface water' drainage;
- Condit. No.5:** Spec. re. compliance with requirements of 'Irish Water';
- Condit. No.6:** Spec. restrictions re. use of proposed cafe / restaurant;
- Condit. No.7:** Spec. opening hours of proposed cafe / restaurant;
- Condit. No.8:** Compliance with requirements of the 'Environ. Health Officer';

- Condit. No.9:** Spec. requirements for ‘the external treatment of the proposed dev.’;
- Condit. No.10&11:** Spec. restrictions & requirements for nature of, & placement of ‘signage’ / ‘advertising’
- Condit. No.12:** Prohibition of “music or other amplified sound”;
- Condit. No.13&14:** Mitigation of negative impacts of construction works on the local area;
- Condit. No.16:** Spec. ‘Dev. Contribution’ re. “public infrastructure & facilities benefitting development in the area”;
- Condit. No.17:** Spec. ‘Supplementary Development Contribution’ re. “the proposed Metro North Scheme”;

3. 3rd PARTY GROUNDS FOR APPEAL – Rathbeale Road Residents’ Assoc. (c/o The Secretary – 29th Sept. 2015):

- (1) Contextualise the 3rd Party Appeal against the decision by Fingal Co. Co. to ‘grant’ PP, for the proposed dev.;
- (2) **Overbearing & Intrusive Visual Amenity Impact:**
 - (a) When completed, the renovation will be “an overwhelming glass building intrusive to the proximate residences, & “towering over the 2-storey houses behind & to the side”;
 - (b) The glass building “will be very out of character and totally unsuitable within our residential area”;
 - (c) Notwithstanding treatments of glass, “there will be an unacceptable amount of visual glare”, negatively impacting residential amenity;
 - (d) The public, when using the new building at mezzanine / coffee shop level, “will have full view of our homes”, and correspondingly, residents will have full view of the public users of the new facility;
 - (e) “The type of proposed structure is more suited to the Main Street in Swords”;
- (3) **Security & Building ‘Internal lighting’ Management:**
 - (a) At present, all windows & doors of the centre are shuttered at night. Assert this as good “security practice”;
 - (b) Point out no provision for shuttering is made as part of the new building;
 - (c) Question whether lighting will be switched off at night, when closed to the public ? and when the staff finish ?
 - (d) By not providing for shutters, there will resulting negative impact on residential amenity locally;

- (4) **Condition No. 10 re. 'advertising & signage':**
- (a) However, this relates to signage at 1st floor level only;
 - (b) Assert serious concern re. "location, signage, colour & illumination of any signs" at ground floor level or anywhere else in the building;
 - (c) Emphasise the local residents "have had huge issues with signage & lighting in the past (**Reg.Ref.No.F12A/0088**);
- (5) **Condition No. 6:**
- (a) Note the proposed restaurant will be used as a coffee shop only & not as a takeaway / restaurant;
 - (b) Assert residents concerns "that the opening / closing hours are not in the interest of our residential amenity";
- (6) **Planting of Birch Trees:**
- Concerns re. that birch trees are deciduous ... and will be of no benefit to shield & soften this huge glass building from residents view over the long winter months;
- (7) **Increased Patronage / Visitors:**
- (i) Note the new, renovated facility, "incl. meeting rooms & multipurpose spaces will no doubt, attract much more people into the shopping area";
 - (ii) This will result in people parking their vehicles for longer periods of time, "than the present 'shop & go' person";
 - (iii) Concern that the closing times of the new, renovated facility, "& in particular the coffee shop, are in our opinion too late in our residential area, & will erode our residential amenity"
- (8) **Parking:**
- (a) Assert "huge concerns about the parking situation";
 - (b) Notwithstanding F.I. submitted, assert the view from local experience that "the reality of the proposed parking is different";
 - (c) Point out the existing serious parking issues outside local residences along "Rathbeale Road, Rathbeale Crescent & Brackenstown Avenue from shoppers";
- (9) **Opening Hours:**
- (a) Note that the opening / closing hours requested for the proposed centre "will be, according to the additional information supplied, the same as the JC's supermarket";
 - (b) However, point out with concern that these 'hours' referenced as being the current operating hours of the JC's Supermarket, are

- extended from those operating hours which have “always” been in place for JC’s. Therefore argue that “these opening hours were changed some time before this proposed application”;
- (c) However, the Residents’ Assoc. cannot find the planning application reference “for the extended hours”. Point out that they unsuccessfully requested Fingal Co. Co. to clarify these operating hours;
 - (d) Therefore argue that the “original opening / closing times should apply to this application”;
 - (e) Assert the extension of the operating hours as “grave concern to us residents, as it appears that these times can be further extended without planning permission”
 - (f) Point out that Dunne’s Stores & other units in the Centre “open at the original times & their times have not been extended”
- (10) **“Multipurpose Spaces”:**
- (a) What are multipurpose spaces? What are they used for?
 - (b) Assert concern re. this “vague” description, “as there are no details of what they will be used for”;
- (11) **The “Need” for the proposed development:**
- (a) The proposed dev. is not necessary, as “a state of the art Library & Civic & Cultural Centre” is to be built shortly, on a site indentified by Fingal Co.Co. near to the Castle in Swords, and which “will be much more central for the public”;
 - (b) Fingal Co.Co. have already started work towards the commencement of this development;
- (12) **Summary:**
- (a) Having regard to –
 - the height & scale;
 - the vast area of glass;
 - the lack of shuttering;
 - the signage & sighting thereof;
 - the lighting; &
 - the parking proposed,
 the proposed development “is not in keeping or suited to our residential area”;
 - (b) The opening / closing hours require attention, specifically “where this proposed coffee shop is concerned”;

(13) **Conclusion:**

Assert “trust” that the Board will have regard to their concerns, “whilst making a decision, as we are desperately trying to hold onto our residential amenity”.

4. RESPONDENTS TO THE 3rd PARTY APPEAL:

(1) **Planning Authority Response (23/10/2015):**

- (a) Contextualise site location and description;
- (b) Confirm specificity of the nature & substance of the application & the PA decision to grant PP;
- (c) Note 3rd Party Appeal submission as similar to the 3rd party objections submitted through the assessment phase;
- (d) PA response:
 - (i) confirm that the design & location of the extended building “were considered in depth during the assessment of this application”. In this regard, affirm that PA considered that “adequate separation distances between the development & adjoining residential areas have been proposed”;
 - (ii) assert view that “the provision of shuttering given the design of the building may not be suitable or appropriate”
 - (iii) weight reference to Local Objective 287 – “Encourage the enhancement of Rathbeale Local Centre”.
Assert view that the proposed dev. is in accordance with this Objective. Clarify the site benefits from the “Local Centre Zoning, & as such a mix of uses is to be encouraged to serve the local community”.
Assert that the proposed coffee shop & multi-purpose spaces are considered to be in accordance with the LC Zoning & Local Objective 287.
- (e) Request ABP “uphold the decision of the PA”;
- (g) Were the Board to uphold the PA’s decision, “request that Conditions No. 16 & 17 is included in An Bord Pleanála’s determination”.

(2) **Applicants response (c/o Hughes Planning & Dev. Consultants – 30th Oct. 2015):**

- (a) **Introduction:**
Contextualise applicant’s response to the 3rd Party Appeal against the decision by Fingal Co. Co. to ‘grant’ PP, for the proposed dev. (ie. a new library & cultural facility at Rathbeale Shopping Centre);
Request ABP uphold the decision of Fingal Co. Co. & ‘grant’ PP;
- (b) Assert the proposed dev.:

- (i) accords with the Fingal Co. Dev. Plan 2011-2017;
 - (ii) has been designed “to demonstrate a high quality contemporary community facility”;
 - (iii) “will significantly improve the quality & visual amenity of the area by upgrading the existing poor quality library building on site”;
- (c) Note the 3rd Party Appeal addresses concerns re.:
- the glazed element of the proposed front façade;
 - the car parking arrangements; &
 - the use of the proposed building.

Applicant responds as follows:

Glazed Facade:

- (i) Clarify the front glazed façade, “consists of a high quality non-reflective coating, which will absorb glare & heat from the glass”;
- (ii) Assert that the glass coating “will significantly reduce ... the impact of the glazed façade on the amenity of the opposing properties”;
- (iii) Clarify the front elevation “has been angled approx. 3-degrees downwards to direct any possible glare toward the ground, reducing the impact of glare & reflection”;
- (iv) Point out the “considerable distance” separating the properties on Rathbeale Road, from the proposed building;
- (v) Point out that in direct consequence to the PA F.I. request, the proposed dev. “has been designed to min. the potential glare of the glazed façade & has implemented special design features to ensure the residential amenity of the opposing properties is not affected”;
- (vi) Assert the proposed building design “enhances the existing streetscape & will be a positive addition to the character of the local community”;

Car Parking Provision:

- (i) Clarify that the number of car parking spaces was calculated based on the requirements of the Fingal Co. Dev. Plan 2011-2017 & the provisions of the “Smarter Travel” document – “A Sustainable Transport Future - 2009-2020”;
- (ii) Argue that the sites “central location”, and “the availability of public transport & alternative means of travel ...

indicate that the number of parking spaces provided on site adequately supplies the use of the proposed development”;

- (iii) Point out that the Co. Transportation Dept. was satisfied with the level of car parking provision proposed;
- (iv) re. the Rathbeale Res. Assoc. argument that “the proposed dev. will attract more people into the shopping area who will park their vehicles for a longer amount of time than the present ‘shop & go’ person”, respond that – “the use of the shopping centre as a multi-purpose (dual purpose trip) facility promotes sustainability & urban consolidation, which are key objectives of the dev. plan”; Assert “full” disagreement with the 3rd party appellants’ in this regard;
- (v) Weight reference to Fingal Co. Co. ‘policy’ & general planning ‘best practice’ –
 - to promote sustainable modes of travel; &
 - to encourage dev. that reduces the amount of trips generated by the private car;

Argue that the proposed dev., given the site location, “encourages multi-purpose trips which in turn promote sustainable & reduce car reliance”;

Further, multi-purpose trips enable visitors “to avail of other services in the area (ie. library, cultural facility & restaurant), in one journey, reducing carbon emissions & encouraging a sustainable quality of life”;

Argue consequently, that the proposed dev. “would not generate negative impacts in terms of an increase in car activity, but instead will encourage multi-purpose trips, reduce car reliance & promote sustainable travel methods”;

Proposed Use of Building:

- (i) Clarify that the proposed dev, incl. “refurbishment & renovation of the existing ground floor of the library building”;
- (ii) Emphasise the existing library “is in poor condition & in need of updating”;
- (iii) Clarify the proposed works aim to establish –
 - the community facility; &
 - an exemplar facility served by suitable media, audio, computing & wireless internet facilities”;

- (iv) Suggest that the 1st floor “can accommodate a cultural facility & exhibition centre for civic & public use”;
Further, the 1st floor is to contain a number of multi-purpose spaces “that will be flexible & capable of accommodating a number of uses such as public / community meetings, events, training, seminars & exhibitions”;
- (v) re. Rathbeale Res. Assoc. concerns re. the proposed restaurant, confirm that the applicant “has no difficulty with the terms of Condition No. 6 preventing takeaway use & that it is intended that a high quality restaurant offer is to be provided should permission be granted”;
- (vi) Confirm further, the applicant’s view of the proposed opening hours of this part of the development, as reasonable;
- (d) Argue that the proposed dev. will –
 - (i) enhance the visual amenity of the area; &
 - (ii) provide a space for all members of the public to engage in activities & events within the local community;
 - (iii) Emphasise that the proposed dev. will benefit the local residents / residents groups, “by providing a state of the art facility for local meetings & events to be held
- (e) Argue the proposed dev. –
 - (i) complies with the requirements of the Dev. Plan;
 - (ii) in particular, constitutes a permitted ‘in-principle’ use under the ‘LC – Zoning Objective’; &
 - (iii) accords with the proper planning & sustainable dev. of the area;
- (f) Weight reference to the Specific Local Objective set out in the Fingal Co. Dev. Plan 2011-2017 – “to enhance the Rathbeale Local Centre”;
- (g) Assert that the Rathbeale Res. Assoc. (ie. 3rd Party Appellants”) concerns against the proposed dev. “are wholly unfounded”;
- (h) Conclude with request to ABP that “the decision of Fingal Co. Co. to grant permission for the subject development be upheld”

5. PLANNING ASSESSMENT:

- (1) I have considered all of the information and issues raised both in the application and the 3rd Party Appeal documentation, inspected the site and its environs, reviewed the available planning history and assessed the proposed development in the light of the Fingal Co. Dev. Plan 2011-2017 and of National Policy.

I believe that the relevant issues in review of the merits of this appeal relate to:

- (a) Principle and location of the proposed development;
- (b) Visual Amenity Impact / Streetscape – partic. “the ‘glazed’ element of the proposed front façade”;
- (c) Security & Building ‘Internal Lighting’ Management;
- (d) Condit. No.10: ‘Advertising & Signage’;
- (e) Condit. No.6: Restrictions re. operation of proposed ‘cafe / restaurant’ use;
- (f) On site car parking space provision;
- (g) The “Need” for the proposed development; &
- (h) Requirement for ‘Appropriate Assessment’ under Article 6(3) of the Habitats Directive 92/43/EEC.

(2) **Principle and location of the proposed development:**

I believe the planning ‘principle’ of the proposed development at the well-established J.C. Savage / Rathbeale Shopping Centre has been established. Clearly zoned “LC – Local Centre”, with the objective “... *to Protect, Provide for and / or Improve Local Centre Facilities*”, the applicable zoning matrix designates ‘Cultural Facility’; ‘Recreational Facility’; ‘Restaurant / Café’; ‘Community Facility’ land use classes as being ‘permitted in principle’ within the ‘LC’ zone (see copy of relevant section of the Swords Zoning Objective map attached). I do not believe that any of the PA or 3rd Party interests contest this. In fact, the contextual ‘Vision’ enabling, in considerable detail, the applicable “LC” zoning objective, provides for “*a mix of local community & commercial facilities for the existing & developing communities of the County. The aim is to ensure ‘Local Centres’ contain a range of community, recreational & retail facilities, ... at a scale to cater for both existing residential development & zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car & encourage pedestrians, cyclists & the use of public transport*”.

Local Objective 287 of the Fingal Co. Dev. Plan 2011 then narrows the focus particularly on the application site, by seeking to “*encourage the enhancement of ‘Rathbeale Local Centre’*”.

Consistent with the above, in my view, a primary consideration is to, whilst enabling ‘Local Centre’ consolidation and growth, ensure the protection and improvement of the residential amenity prevailing in the contextual, established ‘Rathbeale’ & ‘Castlefarm’ residential neighbourhoods. Accordingly, whilst planning applications for investment in the growth and enhancement of the Rathbeale Local Centres are acceptable in principle, careful consideration is necessary

to protection of local residential amenities (eg. privacy, daylight / sunlight and aspect). In fact, Objective UD07 seeks to “ensure all applications for new or extensions of existing uses ... protect residential & visual amenity, whilst Objective CI09 seeks to “ensure that the scale & design of any new building enhances the character of the area”. Understandably, this is a weighted concern of the 3rd Party Appellants’ – The Rathbeale Residents Assoc..

Having regard to the discussions below, particularly that of resultant threat to local visual and residential amenity impact and mitigation, I believe that the proposed development is sufficiently compliant with these Fingal Co. Dev. Plan policies and objectives, and as proposed, would be in accordance with the proper planning and sustainable development of the Rathbeale Road / NW Swords area.

(3) **Visual Amenity Impact / Streetscape – partic. “the Glazed element of the proposed front façade”:**

The sense of place of this ‘J.C. Savage / Rathbeale Shopping Centre’ neighbourhood, located on Rathbeale Rd, is clearly influenced by the architectural style, design, and general finishing with respect to materials and colouring, all set in a local topographical and environmental context. This can be seen from the photographs attached, taken at the time of physical inspection. I have taken note of the established scale and pattern of development in the area, with particular reference to the J.C. Savage / Rathbeale Rd Shopping Centre complex itself, and the juxtaposition of the Shopping Centre, and the existing ‘library’ extension specifically, with the surrounding predominantly 2-storey housing to the E, N & W and the single storey residential units along Rathbeale Rd to the S.

Whereas the existing library building is of late 1970’s construction, making only a limited contribution to the Local Centre, I share the applicant’s conviction (c/o Hughes Planning & Dev. Consultants) that having regard to the ‘contemporary architectural design’ building proposed (itself in compliance with Fingal Co. Dev. Plan 2011 Objective UD03), “a high quality contemporary community facility” can be reasonably anticipated locally, which “will significantly improve the quality & visual amenity of the area by upgrading the existing poor quality library building on site”. The PA clearly share this view, commenting also that the contemporary designed building proposed, “is an improvement on the existing building which is somewhat tired, dated & uninviting”.

Notwithstanding, I note and have had regard to the 3rd Party Appellant's weighted concern against the glazed element of the proposed front façade. The 'Rathbeale Rd. Residents Assoc.' argue the proposed dev, will result in "an overwhelming glass building" intrusive to the proximate residences, & "towering over the 2-storey houses behind & to the side ... very out of character and totally unsuitable within our residential area". Further, that notwithstanding treatments of glass, "there will be an unacceptable amount of visual glare", negatively impacting residential amenity. I note that the PA also had regard to the glazed element as being significant enough of an issue, as to require F.I. attention and clarification by the applicant (ie. mitigation of threat of solar glare).

In each of the F.I. response submission to the PA (13/08/2015), as well as their response submission to the 3rd Party Appeal (30/10/2015), the applicant (c/o Hughes Planning & Dev. Consultants), has clarified details re. the glazed element of the proposed front façade, both as a principal material element in the proposed contemporary architectural design, as well as in mitigation of potential negative impact on visual and residential amenity. I share the PA view that this has been reasonably and satisfactorily achieved by the applicant.

Specifically, I note the clarification that the front glazed façade, "consists of a high quality non-reflective coating, which will absorb glare & heat from the glass", and significantly reduce potential for impact on the amenity of the opposing residences, which located at the least along the S-frontage of Rathbeale Rd, would be separated by some distance from the approx. S-facing glazed facade of the new building. I note and weight the further clarification made by the applicants' that the front glazed façade "has been angled approx. 3-degrees downwards to direct any possible glare toward the ground, reducing the impact of glare & reflection". Again, weighting reference to the considerable separation distance from residences on Rathbeale Rd., I deem this to be reasonable and effective mitigation. Of further noteworthiness, is the applicant's proposed revision replacing the proposed 'planters' in the 'Plaza' area, with 3no. semi-mature 'white birch trees'. I share the PA's preference in this regard, noting that the 'birch trees' will screen the front of the building & also screen the car parking area when viewed from within the new building. Clearly, being deciduous, the 3rd Party Appellants correctly point out that these trees will lose their leaves over the winter months. The trade-off in my view, is that during these colder months, maximum light and by natural consequence warming, will be enabled into the building, whilst still enabling a framed silhouette

contrast against the backdrop of the angled glazed façade. I have a contrary view to that of the 3rd Party Appellants' in this regard.

In this regard, I note the weighted reference made by the applicant (c/o Hughes Planning & Dev. Consultants) that in direct consequence to the PA F.I. request, the proposed dev. "has been designed to minimise the potential glare of the glazed façade & has implemented special design features to ensure the residential amenity of the opposing properties is not affected". Having regard to all of the information available, and to my observations made at the time of physical inspection (see attached photographs), I accept the applicants' clarification as reasonable and effective mitigation, and that no disproportionate negative visual and residential amenity impact will result. Rather, I share the applicants' conviction that the proposed building design "enhances the existing streetscape & will be a positive addition to the character of the local community", positively contributing towards 'J.C. Savage / Rathbeale Shopping Centre' and its contextual residential neighbourhoods becoming the "high quality urban area" foreseen via Ch.7 – Urban Fingal of the Fingal Co. Dev. Plan 2011-2017, together with Zoning Objective 'LC' Local Centre and Swords Local Objective 287 – "encourage the enhancement of Rathbeale 'Local Centre'".

Accordingly, I conclude on this issue that the 3rd Party Appellants' arguments' against the proposed development, as a 'fatal flaw', cannot be sustained. Rather, I believe the proposed development would be in accordance with the proper planning and sustainable development of the area.

(4) **Security & Building 'Internal Lighting' Management:**

The 3rd Party Appellants' correctly point out that at present, all windows & doors of the J.C. Savage / Rathbeale Shopping Centre are shuttered at night. The argument is made that this as good "security practice". They then go on to point out that no provision for security shuttering is made as part of the new building proposed, and by not doing so, "there will resulting negative impact on residential amenity locally".

Whilst I certainly agree, 'in principle', with the use of 'shutters' to cover doors & windows, as good security practice, I distinguish that this appropriateness and effectiveness is generally dependent on individual circumstances. I believe that the use of security shutters is certainly good practice with regard to single storey 'line shops' etc., whilst acknowledging there will always be a trade-off against visual disamenity / clutter and the restriction of window browsing / shopping. Certainly, careful management of these are required, as advocated at Sect.7.3 'Urban Centres – Shop Fronts', of the Fingal Co. Dev. Plan

2011. In fact, I understand having regard to Sect.7.3 that optimum use of security shuttering is made with respect to 'shop fronts' particularly. However, I believe that the appropriateness of use of security shutters to cover multi-storey units / buildings, or the approx. 10m high glazed front façade such as that proposed, becomes impractical, ineffective & cost disproportionate. I certainly agree with the view of the PA that, weighting reference to the unique contemporary architecture design proposed, with the approx. 10m high slanted glazed front façade, the use of security shuttering would not be suitable or appropriate. Rather, in my view, the restricted use of security shuttering, would result in the sort of negative visual externality the 3rd Party Appellants' argued so strongly against at 6(3) above. I am inclined to the view that the front glazed façade, as a stand out feature element of the contemporary architecture design proposed, should be enjoyed entirely from the public realm, rather than compromised by way of partial cover-up with security shuttering, albeit after hours.

In my view, the 3rd Party Appellants' apparent arguments, in favour of the use of security shutters over the proposed front glazed façade, should not be sustained.

I note further, the 3rd Party Appellants question as to whether lighting will be switched off at night, when the building is closed to the public, and when staff vacate the building after office hours. Unfortunately, I don't see this as a relevant planning argument against the proposed development. Rather, I believe this to be an internal operational and resource management issue to be addressed within the relevant Department of Fingal Co. Co. Again, whilst certainly subscribing to sustainable, 'green', energy saving and management, I have a contrary view to that of the 3rd Party Appellants' in this regard. The Board might however, consider supplementary Conditioning, in order to ensure this concern receives attention by the relevant Fingal Co. Co. authority.

(5) **Condit. No.10: 'Advertising & Signage':**

I have had regard to Condit. No.10, attached by the PA to its current decision to grant planning permission. I note that Condit.No.10 requires:

- that "no signage or advertising shall be placed on or behind the glazed shop front at first floor level", &
- that "full details of all signage shall be submitted for the written agreement of the Planning Authority prior to the commencement of development".

In their appeal, the 3rd Party appellants' argue concern that Condit. No.10 relates to signage at 1st floor level only. Rather, they emphasise their serious concern with respect to the "location, signage, colour & illumination of any signs" at ground floor level or anywhere else in the new building. The Rathbeale Residents Assoc. emphasise that the local residents "have had huge issues with signage & lighting in the past (eg. **Reg.Ref.No.F12A/0088** & others)". The relevant planning history referenced at 2(2) above, clearly substantiates their consistent historical concerns in this regard.

I am empathetic to the 3rd Party Appellant concerns. I am inclined to the view that issues of signage, advertising & the illumination or not, thereof, has not received sufficient, focussed, direct attention both by the applicant in substantiating and clarifying this element of the proposed development, & by the PA through its assessment of the proposed dev., & inclusive of F.I. Item No.5, towards concluding the decision to grant planning permission subject to Condit.No.10. The scope & detail of Condit.No.10 would appear to be reflective of this limited attention.

I note that the applicant (c/o 'Hughes Planning & Dev. Consultants'), included a general reference to "signage" in the statutory public notices. No substantive direct attention is apparent in the applicants initial application documentation received by the PA dated 27/01/2015. In this regard, the 'planning report' dated 21/01/2015 prepared by 'Hughes Planning & Dev. Consultants', does not appear to directly address 'advertising & signage' at all, in its detail. Within the set of drawings submitted initially (c/o 'Tyler Owens Architects'), with the application, I note that limited reference to 'signage', and inference to the possible location thereof, is made on Drawing No. 2014-60-P300 – 'Proposed Elevations, Sections, & Architects Impressions', and within these, reference is restricted to the Drawings indicating likely 'Proposed Front Elevation' & 'Proposed Side Elevation / Site Section'. Other than these references, no other supplementary, substantive detailing is apparent.

Subsequently, I do note and acknowledge that in its written F.I. request dated 23/03/2015, at Item No.5(d), and with restricted reference to the proposed 'café / restaurant' element, the PA requested the applicant "to indicate on revised elevations the

location of any signage for this 'café / restaurant'. The applicants' (c/o 'Hughes Planning & Dev. Consultants' & 'Tyler Owens Architects'), in their F.I. response submission (dated Aug. 2015 & received by the PA dated 13/08/2015) do address this issue & specifically focussed on the 'café / restaurant' element, stating "... Drawing No. 2014-60-PAI-100 indicates the revised signage location & design for the 'café / restaurant'". Notwithstanding the restricted scope of F.I. Item No.5(d), no other substantive details are apparent regarding 'advertising' & 'signage' for the proposed development. In my view this is unfortunate, not only because of its importance as an element within the overall development, but also weighting the sustained concerns argued in this regard by the Rathbeale Residents' Assoc. over the years.

Having regard to the above, I affirm my view that the element of 'signage, advertising & the illumination or not, thereof', has not received sufficient, focussed, direct attention. I am also inclined to the view that Condit. No.10, as written, requires further attention to properly address the element of 'signage, advertising & the illumination or not, thereof'. I share the concerns' of the 3rd Party Appellants'. Whilst certainly not 'a fatal flaw' with respect to the overall proposed development, it nonetheless requires further attention, in my view.

By way of solution, one option would be to address the element of 'signage, advertising & the illumination or not, thereof', by way of a new application for planning permission, as was the case as 'stand-alone' applications under previous **Reg.Ref.Nos**'.

F13A/0333 & F12A/0088. Whilst there may be merit in this approach, I believe the same may be achieved by way of supplementation and consolidation of Condit. No.10 in order to achieve not only the appropriate outcomes re. this element for the proposed development, with no adverse impact on prevailing contextual visual & residential amenity, but also to ensure proper co-ordination and integration with the rest of the J.C. Savage / Rathbeale Road Shopping Centre. In my view, such an integrated and co-ordinated approach to the element of 'signage, advertising & the illumination or not, thereof', would be properly consistent with the provisions of the Fingal Co. Dev. Plan 2011 at Chapt. 7 – 'Advertising Signage' & Objective UC19, to which the applicant (c/o 'Hughes Planning & Dev.

Consultants') properly drew weighted reference in their F.I. response submission re. Item No.5(d).

I recommend to the Board accordingly.

(6) **Condit. No.6: Restrictions re. operation of proposed 'cafe / restaurant' use:**

I have taken note of the clarification determined through F.I. Item No.5 by the applicant (c/o 'Hughes Planning & Dev. Consultants' – see 13/08/2015), that the proposed café / restaurant is “to be used as a coffee shop & will be franchised”, that “it will not be used as a fast food / takeaway restaurant”, & that “food will be consumed on site”.

The PA's Condit's. No. 6 & 7 attached to the decision to grant planning permission, then strictly prescribe that “the proposed café / restaurant shall only be used as a coffee shop, or similar, & shall not be used as a hot food take-away / restaurant. Secondly, the opening / operational hours of the café / restaurant are determined – Monday to Sunday & Bank Holidays.

In the first instance, I share the conviction of each of the applicant & the PA, that the proposed coffee shop is an acceptable use in this location. I share the PA emphasis that a designated 'Local Centre' such as at Rathbeale, should offer a range of services locally, & that a 'coffee shop' would reasonably increase this range, in accordance with each of:

- the 'LC' Local Centre Zoning Objective – “... to protect, provide for and / or improve 'Local Centre' Facilities”;
- the 'LC' Local Centre Zoning 'Vision' – “... provide a mix of local community & commercial facilities for the existing & developing communities of the Co. ... to ensure 'Local Centres' contain a range of community, recreational & retail facilities, ... at a scale to cater for both existing residential development & zoned undeveloped lands, as appropriate, ... will strengthen local retail provision in accordance with the Co. Retail Strategy”; as well as
- the Swords Local Objective 287 – “encourage the enhancement of Rathbeale 'Local Centre'”

(see 2(1) above)

I believe a coffee shop to be a reasonable complementary land use to primary land uses such as a 'community library' and / or 'community exhibition / cultural centre. Such complementarity would also reasonably apply in my view, to the suite of other uses currently comprising the 'J.C. Savage / Rathbeale Shopping Centre' complex. I reasonable case also exists in my view, in favour of the coffee shop as

an entity in its own right, serving the needs of its surrounding Rathbeale community directly in accordance with the 'LC' Local Centre Zoning 'Vision' (ie. "... to cater for both existing residential development & zoned undeveloped lands, as appropriate").

In their 3rd Party Appeal submission, I note that the Rathbeale Residents' Assoc., whilst noting the specified restriction of use of the proposed 'café / restaurant' to that of a "coffee shop only & not as a takeaway", affirm their concerns "that the opening / closing hours are not in the interest of our residential amenity".

Specifically, they argue that the closing times of the new, renovated facility, "& in particular the coffee shop, are in our opinion too late in our residential area, & will erode our residential amenity". Certainly, mindfulness of any threat to existing residential amenity is necessary. However, I do not share their conviction that the specified "closing times" for the proposed 'coffee shop', as specified under Condit. No.7 (ie. Mon, Tues & Sat – 8pm; Wed to Fri – 9pm & Sun / Bank Holidays – 6pm) will itself, have a disproportionate negative impact on the contextual residential amenity, if at all. Certainly, change must be anticipated locally, consequent of the proposed development, and which I believe is reasonably intended to positively consolidate and enhance the 'J.C. Savage / Rathbeale Shopping Centre' complex as a community resource locally, and with the proposed 'coffee shop' as an integral component. Having regard to my own observations of the locality at the time of physical inspection, I do not believe that at present, such an amenity exists locally (ie. within easy walking distance locally, as envisaged under the 'LC' Local Centre Zoning 'Vision'). Certainly, in my view, there would appear to be a need for such a facility within the 'shopping centre' / 'local centre'.

Accordingly, I must conclude that these arguments by the Rathbeale Residents' Assoc. against the coffee shop', cannot be sustained, and that Condit's'. No. 6 & 7 remain as is.

(7) **On site car parking space provision :**

In their 3rd Party Appeal, the Rathbeale Residents Assoc. affirm their "huge concerns about the parking situation", and that notwithstanding the applicant's F.I. Item No.3 – "Transportation Issues" submission to the contrary, argue the view from local experience that "the reality of the proposed parking is different". Specifically, they point out the existing serious parking issues outside local residences along "Rathbeale Road, Rathbeale Crescent & Brackenstown Avenue from shoppers".

I affirm the Rathbeale Residents' concerns' in this regard. In my view, the adequacy, or not, of onsite supply of car parking spaces is a key issue for consideration. I weight such consideration having regard to the fact that the J.C. Savage Supermarket, as one of the last independent & family operated outlets in the country, and whilst only one element of the existing as well as any future possible redeveloped and enhanced Centre, is itself a significant trip generator. The proposed enhancement of the existing 'library', together with the new 'exhibition / cultural centre' & a 'café / restaurant' (ie. coffee shop), in addition to local patronage, must reasonably be expected to increase "non local visitors' to the Centre"

Throughout their respective assessments of this element of the proposed dev., both of the PA (20/03/2015 & 07/09/2015) and the Co. Transportation Planning Sect. (see 10/03/2015 & 28/08/2015) weighted consideration of the need to service the proposed development, with sufficient and satisfactorily laid out on-site car parking space provision. Focused attention was enabled by the PA as part of the applicant's (c/o 'Hughes Planning & Dev. Consultants' – see 13/08/2015, para.2.3, pg. 07) F.I. Item No.3 – "Transportation Issues" submission. Table 1.0 – 'Car parking provision within Proposed Dev.' clarifies that at present, the 'J.C. Savage / Rathbeale Shopping Centre' is served by a total of 292no. car parking spaces (itself an 83no. shortfall from the max. required to 'Standard' under the Co. Dev. Plan 2011 – Table TO3b). However, as part of the proposed dev., 281no. spaces are proposed, a clear 'de facto' a reduction in the supply from the 292no. currently available (ie. a 'real' reduction of 11no. spaces & an increased deficit of 25no. car parking spaces, in addition to the existing deficit of 83no. spaces – ref. Co. Transportation Planning Sect. – 10/03/2015 & 28/08/2015). I note the contextualisation submitted by the applicants' (c/o 'Hughes Planning & Dev. Consultants'), that the reduction to 281no. spaces is "as a result of improvements to the public realm through the provision of the 'public plaza' & a reconfiguration of the car park to provide an improved layout & spaces in accordance with the Standards of the PA. These adjustments will improve traffic flow & usability of the E-section of the overall 'Local Centre' car park".

Having regard to the above, I share the planning 'principle' apparent by each of the PA / Co. Transportation Planning Sect. & the applicant, that generally, it is only appropriate to apply the max. car parking Standards (as set out at Table TO3b) where a proposed dev. "is not served by potential for use of alternative modes of transport such as cycling, walking or the use of public transport". Further departure, 'in principle',

must also be viewed as reasonable where there is a likelihood of multi-purpose trips to the 'Local Centre', which must itself be reasonably anticipated consequent of the proposed dev.

Certainly, I agree that current national & Fingal Co. Co. planning policy directly promotes the use of alternate modes of transport / access, rather than singular focus on "the use of the private car & accommodating assoc. car parking (or car storage) in new developments.

In principle therefore, I share the argument advocated by the applicants', & accepted by the PA & Co. Transportation Planning Sect., that the reduced parking provision of 281no. spaces proposed within the 'J.C. Savage / Rathbeale Shopping Centre' complex is acceptable, when weighting reference against the expressed Objective to reduce the use of the private car. These planning 'principles' are clearly set out at Sect.4.1 'Physical Infrastructure – Transportation' of the Co. Dev. Plan 2011 (see pg. 105), which itself references the provisions of the "Smarter Travel" document – "A Sustainable Transport Future – A New Transport Policy for Ireland 2009-2020".

The principle of appropriate limitation of onsite car parking space provision, is consolidated at Sect. 7.6 'Community Infrastructure – Community Buildings' of the Co. Dev. Plan 2011 (see pg. 266), which via 'Objective CI07', clearly advocates to "*Support the provision of new community centres and facilitate the refurbishment and extension of facilities where there is a need for such works. Such facilities shall be accessible by a range of travel modes with an emphasis put on walking, cycling and public transport use, while providing limited car parking facilities to meet anticipated demand of non-local visitors to the centre*". Weighting reference to these provisions, I share the consistent views of the PA, the Co. Transportation Planning Sect. & of the applicants' (c/o 'Hughes Planning & Dev. Consultants'), that the Co. Dev. Plan 2011 advocates that the supply of car parking spaces to the max. Standards provided at Table TO3b on any site for development, "would only be appropriate where the site was not centrally located or served by public transport or alternative means of travel". Clearly, the application site is located within the 'J.C. Savage / Rathbeale Shopping Centre' complex, for which the Swords 'Local Objective 287' expressly sets out to "encourage the enhancement of Rathbeale 'Local Centre'". Itself, the 'J.C. Savage / Rathbeale Shopping Centre' complex is embedded contextually, in a central accessible location, within the extensive, well established residential catchment of NW Swords, with easy access enabled via public transport, cycling and walking, in particular (a view affirmed by my own observations made at the time of physical

inspection). Having regard to this centrally accessible location, I share the view that the discretion of the PA is favourably enabled towards consideration of a reduction of onsite car parking space provision, from the max. Standard set out at Table TO3b, with the number of parking spaces determined on the merits of the proposed development.

Further, Sect.4.1 'Physical Infrastructure – Transportation – Car Parking Standards' of the Co. Dev. Plan 2011 (see pg. 122), clarifies that the car parking standards, whilst set out as a max. provision 'Standard', "provide a guide to the number of required off street parking spaces acceptable for new developments". I note also that the "Notes" attached to Table TO3b - Commercial Car Parking Standards (Max.) (see pg. 124) provide that "dev. located within 500m of ... a high quality bus service ..., can operate effectively with less parking provision. In such circumstances, the required number of off-street parking spaces will be determined on merit by the Planning Authority", and that having regard to the consolidated and enhanced 'J.C. Savage / Rathbeale Shopping Centre' anticipated consequent of the proposed dev., "in mixed use developments, the car parking requirement will take account of different uses having peak parking demands at different times of the day and week". .

Accordingly, I share the view of the PA and applicant as reasonable, that having regard to the centrally accessible Rathbeale 'Local Centre' location of the application site, to the range of associated & complementary uses anticipated consequent of the proposed development, overall car parking space provision should have regard to anticipated multipurpose trips. Logically then, the overlap of car parking space provision between the land uses, in anticipation of trip sharing, should be applied.

This use of the enhanced 'J.C. Savage / Rathbeale Shopping Centre' complex, as a multi-purpose trip facility, promotes sustainability & urban consolidation, which are key national objectives, and of the Co. Dev. Plan 2011

Having regard to all of the above, I conclude in concurrence with the PA, that subject to the Conditions as recommended by the Co. Transportation Planning Sect. (see 28/08/2015), an adequate provision of car parking spaces has been proposed, in accordance with the proper planning and sustainable development of the area.

(8) **The "Need" for the proposed development:**

I note with curiosity, the 3rd Party Appellants' arguments that the proposed dev. is not necessary, as "a state of the art Library & Civic &

Cultural Centre” is to be built shortly, on a site identified by Fingal Co.Co. near to the Castle in Swords, and which “will be much more central for the public”. They add stating that Fingal Co.Co. have already started work towards the commencement of this development. Whilst having regard to these arguments, I am inclined to the view that whilst this development project may be real, with dev. works commenced, it is of no direct, substantive relevance to the proposed development at Rathbeale. As concluded at 6(2) above, I believe that the proposed development is satisfactorily compliant with the Fingal Co. Dev. Plan policies and objectives. Each of the 3no. different elements proposed (ie. works to an existing library; a new exhibition / cultural centre & a cafe / restaurant) comply with the ‘LC’ Zoning Objective applicable to the application site. Further, the Local Objective 287 seeks to –“encourage the enhancement of ‘Rathbeale Local Centre’”. In my view, all of the proposed upgrade of the existing community facility (ie. the library), & the development of a new exhibition / cultural centre & a cafe / restaurant, comply with Local Objective 287. Further, satisfactory compliance has been achieved with the Co. Dev. Plan 2011 Objectives UD01, CI08 & CI10. I share the conclusions deduced by the PA in this regard.

In achieving the necessary compliance with the Co. Dev. Plan 2011 provisions’, I share the applicants’ conviction that the proposed development will enhance the visual amenity of the area, and will directly benefit local Rathbeale residents & residents groups / assoc’s. by providing a space for all members of the public to engage in activities & events within the local community (ie. “by providing a state of the art facility for local meetings & events to be held”). Noting the Rathbeale Residents Assoc. apparent concerns re. the “vagueness” of proposed “multipurpose” spaces, I accept as reasonable, the clarity submitted by the applicants’ (c/o ‘Hughes Planning & Dev. Consultants’) that the 1st floor is to contain a number of multi-purpose spaces “that will be flexible & capable of accommodating a number of uses such as public / community meetings, events, training, seminars & exhibitions”. In my view, it is clearly the multipurpose opportunity intended by these spaces, which maximises their resource and amenity value to the diversity of interest / user groups within the Rathbeale community. In my view, this is exactly what is intended by the Co. Dev. Plan 2011. Amongst the many relevant provisions’, I weight reference to Objective CI10, which sets out to “encourage the dev. of multi-functional buildings which are not used exclusively by any one group”.

Accordingly, I conclude on this issue that the 3rd Party Appellants' arguments' against the proposed development, cannot be sustained. Rather, I affirm the belief that the proposed development would be in accordance with the proper planning and sustainable development of the area.

(9) **Requirement for 'Appropriate Assessment' under Article 6(3) of the Habitats Directive 92/43/EEC:**

I have had reference to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC). Having regard to the DoEHLG Directive for Planning Authorities', together with the provisions of Article 6(3); the location of J.C. Savage / Rathbeale Rd Shopping Centre proximate to nearest Natura 2000 sites (ie. approx. 15km radius); and the nature and scale of the development proposed, I am satisfied that the proposed development will not adversely affect the integrity of any relevant Natura 2000 sites.

Accordingly, I conclude that the preparation of a Stage 2 – 'Appropriate Assessment' under Article 6(3) of the Habitats Directive 92/43/EEC, is not necessary in the current instance.

6. RECOMMENDATION:

Having regard to all of the above, I recommend to the Board that permission be GRANTED in accordance with the following schedule –

REASONS AND CONSIDERATIONS:

Having regard to the provisions of the Fingal Co. Dev. Plan 2011-2017, the relevant planning history of the application site, and of the pattern of development in the vicinity, it is considered that, subject to compliance with the Conditions set out below, the development on site as proposed, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or to traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS:

- (01) The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and additional information received on 13th August 2015, save as may be required by the other Conditions attached hereto.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

(02) 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.

(03) The following engineering requirements of the Transportation Planning Section 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 the 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.

(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

(04) The following engineering requirements of the Water Services Planning Section 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 'GDSDS (Greater Dublin Strategic Drainage Study) Regional Drainage Policies Volume 2 New Development, Aug 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 under any circumstances.

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

Reason: In order to comply with the Sanitary Services Acts.

- (05) The following shall be complied with in full:
- (a) Private foul 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.
 - (b) Prior to commencement of construction the developer shall apply for and sign a connection agreement with Irish Water, where it is proposed to connect to a public water/ wastewater network operated by Irish Water. The developer shall adhere to the standards and conditions set out in said agreement.

Note: In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

Reason: In the interests of public health and in order to ensure adequate drainage provision.

- (06) 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.

- (07) The opening hours of the café/ restaurant shall be as follows:
- | | |
|----------------------------|-----------------------------|
| Monday, Tuesday & Saturday | 8h00 (8am) to 20h00 (8pm) |
| Wednesday to Friday | 8h00 (8am) to 21h00 (9pm) |
| Sunday & Bank Holidays. | 11h00 (11am) to 18h00 (6pm) |

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

- (08) The Developer shall ascertain in writing and comply in full with the requirements of the Environmental Health Officer.

Reason: In the interest of environmental health.

- (09) Full details of the external treatment of the proposed development shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. Such details to be submitted in the form of trade brochures/ details and which shall clearly indicate the colour and type of material.

Reason: In the interest of visual amenity.

- (10) Prior to the commencement of development, the applicant shall submit a formal 'Advertising Signage & Illumination Plan' to the Planning Department of Fingal County Council for written

agreement prior to Commencement Notice stage. This plan shall, inter alia, include detail demonstrating:

- (a) compliance with the provisions of the Fingal Co. Dev. Plan 2011 at Chapt. 7 – ‘Advertising Signage’ & ‘Shop Fronts’, read in conjunction with Specific Objectives’ UC19 – UC26. In this regard, specific attention is required re.:
- the placement of ‘Advertising Signage’;
 - the internal illumination of proposed ‘Advertising Signage (ie. whether to illumine the featured names and motifs only);
 - the external illumination, or not, of proposed ‘Advertising Signage’; &
 - restriction of the illumination of the proposed ‘Advertising Signage’ to during the hours that the J.C. Savage / Rathbeale Shopping Centre Complex, is open to the public; &
- (b) co-ordination & integration with the prevailing character & pattern of ‘Advertising Signage’, & the illumination or not thereof, serving the J.C. Savage / Rathbeale Shopping Centre Complex.

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

- (11) 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.

- (12) No music or other amplified sound shall be broadcast externally from the proposed development.

Reason: To protect the amenities of the area

- (13) The following requirements shall be met in full :

- (a) The hours of operation on all construction sites shall be restricted to:
- | | |
|--------------------|-------------------------|
| Monday to Friday – | 8.00a.m. to 7.00p.m., & |
| Saturdays – | 8.00 a.m. to 2.00p.m. |

- (b) No activities shall take place on site on Sundays or Bank Holidays.
- (c) No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 7.00pm and 8.00am.
- (d) No deliveries of materials, plant or machinery shall take place before 8.00a.m. in the morning or after 7.00p.m. in the evening.
- (e) If there is any occasion when work must be carried on outside daytime hours, the Environmental Health Officer, local residents and businesses in areas which are likely to be affected by noise from the proposed works should be notified in advance e.g. in letter or leaflet or advertisement form, of:
 - (i) Name, address and telephone number of company carrying out works
 - (ii) Nature of and reason for works
 - (iii) Likely duration and times of work
- (f) No outdoor burning shall occur on site. Site must be secured to prevent access.
- (g) During any demolition and the construction phase, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include:
 - (i) covering skips;
 - (ii) covering slack heaps;
 - (iii) netting of scaffolding;
 - (iv) regular road and pavement damping and sweeping;
 - (v) use of water spray to suppress dust; &
 - (vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site on to public roads, etc.

In the interests of both public health and the environment the above guidelines shall be included in the work policy of those undertaking all large and small building. These details must be made known to all developers contractors and sub-contractors.

Reason: In the interests of public health.

- (14) That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

- (15) That all public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

Reason: In the interest of amenity.

- (16) The developer shall pay the sum of €40,790.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments and the provision of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority. Note on above Condition: Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website www.water.ie, Tel. (01) 6021000. Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

- (17) That the developer shall pay the sum of €13,720.00 to the Planning Authority in respect of the proposed Metro North Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with The Planning Authority. The rate of contribution payable shall be that pertaining to the particular year in which implementation of the planning permission is commenced. The Supplementary Development Contribution Scheme provides for an annual increase in the level of contribution payable, as outlined in the Scheme, by a factor of 5%

compound interest per annum. The levels of contribution will be reviewed annually on the 1st of January of each year during which the Scheme is in force, to take account of the aforementioned increase.

Reason: To part finance the proposed Metro North Scheme as provided for in the Supplementary Development Contribution Scheme made for the area of the proposed development under Section 49 of the Planning and Development Act, 2000.

Leslie Howard
Planning Inspector
14/01/2016