



An
Bord
Pleanála

Inspector's Report ABP-300934-18

Development

Demolition of canopy/pedestrian walkway and planter to front of library building; (ii) construction of extension (south-west) of library to provide a café/restaurant with outdoor seating area with awning and associated signage, new entrance lobby supermarket and library building; (iii) 2 canopies at the entrances to supermarket; (iv) new emergency exit from library building; (v) replacement signage on north-western elevation; (vi) removal of existing 6m totem sign and provision of 1 no. totem sign; (vii) amendments to car park; (viii) internal modifications, external trolley bays, bollards and all ancillary drainage and landscaping works associated with the development.

Location

Swords Shopping Centre, Rathbeale Road, Swords, Co Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.	F17A/0325
Applicant(s)	J.C.Savage Supermarket Ltd.
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Rathbeale Road Residents Association.
Observer(s)	None
Date of Site Inspection	3 rd of May 2018
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	6
3.0 Planning Authority Decision.....	7
3.1. Decision	7
3.2. Planning Authority Reports	7
3.3. Other Technical Reports	9
3.4. Prescribed Bodies.....	10
3.5. Third Party Observations	10
4.0 Planning History.....	10
5.0 Policy Context.....	12
5.1. Fingal County Development Plan 2017-2023.....	12
5.2. Natural Heritage Designations	14
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Applicant's Response.....	15
6.3. Planning Authority Response.....	16
7.0 Assessment.....	17
7.1. Principle of Development and Planning Policy	17
7.2. Design and Layout and Usage	18
7.3. Signage.....	20
7.4. Access and Parking	22
7.5. Impact on the Character and Amenities of the Area.....	23
7.6. Screening for Appropriate Assessment.....	23

8.0 Recommendation..... 24

9.0 Reasons and Considerations..... 24

10.0 Conditions 24

1.0 Site Location and Description

- 1.1. The appeal site is located in the western suburbs of Swords in a position adjacent to the Rathbeale Road, which forms part of the R125 (Swords to Ashbourne Road). This site lies within the Swords Shopping Centre, which comprises the applicant's supermarket (J.C Savage) and a Dunnes Stores, along with several smaller shops and a public library, all within a single complex that is accompanied by car parking to the front and sides. The site is at a lower level than the Rathbeale Road. There are high block walls along the eastern and western site boundaries.
- 1.2. Vehicular and pedestrian accesses to the Shopping Centre are sited at the western extremity and centrally, respectfully, with the site's frontage to Rathbeale Road. A bus stop is situated beside the pedestrian access, as is a pelican crossing of the Road. The existing 6m totem pole is located on the site adjacent to the centrally located steps up to the crossing.
- 1.3. There is a Lidl store and associated parking and signage located to the south east of the site. The housing in Castlefarm estate is to the east and north of the site. There is pedestrian access from the Shopping Centre to the area of public open space to the north. The rear of the housing in Mooretown Avenue is to the west of the site and there is a Hardware Store and housing on the opposite side of the R125.
- 1.4. There are side windows in the library facing the site of the café. The existing single storey library structure includes a roof overhang and c.4 supporting pillars. The rear of the library looks out onto the service yard area. This area includes bins and trolleys and is accessed via a locked gate. It is noted that the two storey semi-detached house no.35 Castlefarm adjoins this area of the site. No.36 to the north adjoins a derelict undeveloped scrub area which is fenced off and while not within the site boundaries as shown red on the plans submitted is adjacent to the site.
- 1.5. It is noted that there is some unauthorised signage on the site for J.C Savage supermarket. There is internal access from Dunnes Stores which is on two levels and in use as a clothes shop to the J.C Savage Supermarket.

2.0 Proposed Development

2.1. This includes the following relevant to the existing Swords Shopping Centre:

(i) Demolition of single storey canopy/pedestrian walkway and brick planter to front of library;

(ii) construction of a single-storey extension with 4 no. roof lights to front of existing library building to provide a café/restaurant unit with outdoor seating area with retractable awning and associated backlit signage, and new entrance lobby to existing supermarket and library building;

(iii) 2 no. entrance canopies at the main entrances to existing supermarket on north-western elevation and south-eastern elevation (adjoining proposed café/restaurant);

(iv) provision of new emergency exit from existing library building on side (south-eastern elevation) and escape route through existing service yard;

(v) provision of replacement illuminated backlit fascia signage on (side) north-western elevation of existing building;

(vi) removal of existing 6m in height internally illuminated totem sign (approved under Reg. Ref. F12A/0088) on south-western section of site and provision of 1 no. replacement internally illuminated totem sign 6m in height;

(vii) reconfiguration, resurfacing and upgrade of existing surface car park including provision of pedestrian routes and traffic calming measures:

(viii) The development also includes all internal modifications, toilets, staff facilities, external trolley bays, bollards and all ancillary drainage and landscaping works associated with the development.

2.2. The application form provides that the site area is 1.72ha. The g.f.s. of the existing buildings is 5,945sq.m and including the proposed works will be 6,175sq.m i.e the proposed increase in floor area is 230sq.m. A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted.

2.3. A Planning Report for the Proposed Development has been submitted by Hughes Planning & Development Consultants. This has regard to the locational context and planning history and policy and provides a description and a rationale for the proposed development works.

3.0 Planning Authority Decision

3.1. Decision

On the 26th of January 2018, Fingal County Council granted permission for the proposed development subject to 17no. conditions. This include relative to infrastructure, construction works and development contributions. The following are of note:

Condition no.3 – Details of the design of the café/restaurant and its interface with the public library to be agreed with the PA.

Condition no.6 – Restriction of usage to coffee shop/restaurant or similar.

Condition no.7 – Restriction of opening hours.

Condition no.10 – Reduction in the no. of flag poles.

Condition no.11 - Non-illumination of the proposed totem sign and lighting associated with the café/restaurant outside of opening hours.

Condition no.12- Restriction of advertising.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy, the reports submitted and the submissions made. They considered that the proposed development including the café/restaurant would not have a negative impact on the visual or residential amenity of the area. Overall, they considered the modifications to the shopping centre are significantly less from that proposed under F15A/0024 and to be visually acceptable. They considered the revised totem sign to the front to be unacceptable in terms of its height and design and visually obtrusive. Also, that combined with the existing flags the advertising is excessive. They noted the Transportation Section's concerns relative to deficit in car and bicycle parking. They requested Additional Information to include the following:

- To address in full the impact on the library building arising from the proposed café/restaurant use.

- To submit a revised plan to indicate the omission of flag poles along the Rathbeale Road and to submit revised elevations that indicate a reduced size/scale of the new totem pole.
- A revised Site Layout Plan and associated details to indicate how car and bicycle parking is provided in accordance with the Fingal CDP 2017-2023.
- To indicate the opening hours of the Supermarket and all other uses on site.

Additional Information response

Hughes Planning & Development Consultants have submitted a response to the A.I on behalf of the applicants. This includes the following:

- An Acoustic Report prepared by Resonate Acoustics, which assesses existing and potential noise levels of the proposed development has been submitted.
- Details on lighting are given and it is provided no vent or extractor fans are proposed.
- They provide details of the external wall and glazing system that will form the partition between the existing library and the proposed restaurant/café.
- They submit that the proposal is compliant with Fingal CDP Objectives.
- The 6no. flag poles do not form part of the current application. These flag poles have been on the subject site for the past 35 years. The 3no. western flag poles are now proposed to be removed.
- The proposed totem pole will replace that existing and will also have a height of 6m which was approved under Ref.No.06F.241107.
- They have carried out and provide details of a comparative analysis with other signage in the area and consider the proposed sign to be acceptable and will not have an adverse impact on residential amenity.
- They provide a Table showing the maximum car parking standards and submit that it would not be appropriate to apply these, in view of it being a neighbourhood local centre and the availability of other modes of transport including public transport, cycling and proximity for pedestrians.

- They also provide details on cycle provision and propose to provide additional spaces.
- They refer to Condition no.7 (relative to opening hours) of Reg.Ref. F15A/0024 and consider it appropriate to implement the same opening hours and are willing to accept a condition on that basis.
- They provide details of the planning history of the supermarket development on the subject site.
- The proposed development is compliant with the policies and objectives of the Fingal CDP 2017-2023 and is in accordance with the proper planning and sustainable development of the area.

Planner's response

They had regard to the F.I submitted. They recommended a condition for the final design of the internal partition between the library and the proposed café/restaurant use. They considered that justification for the proposed totem pole had been provided, but that there is an over proliferation of signage on site. They noted the car/cycle parking provision and recommended a condition. They considered that the issue of opening hours would be addressed by way of condition. They concluded that the applicant has not provided sufficient details with regard to car parking provision and relative to the impact on the existing library on site and that these issues should be addressed by way of condition.

3.3. Other Technical Reports

Transportation Planning Section

They sought additional information to provide clarification on how the applicant proposes to deal with the parking deficit for the proposed development and cycle parking. They note the A.I response relative to on-site car and cycle parking provision and provide they have no objection to the proposal.

Water Services Section

They have no objection subject to conditions.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to conditions.

3.5. Third Party Observations

Submissions including a signed petition, have been received from local residents and from the Rathbeale Road Residents Association. Concerns include the following:

- Will have an adverse impact on residential amenity including the outdoor seating area and awning for the café restaurant area.
- Offensive odours and noise caused by the café/restaurant element.
- Concerns about the proposed use leading to anti-social behaviour and invasion of privacy.
- Excessive advertising signage and glare from illuminated signage.
- Need for restrictions on opening hours and on hours of lighting of signage.

4.0 Planning History

As provided in the Information submitted the existing supermarket is authorised by the parent permission granted in the 1970's by Dublin County Council, which has been subsequently modified by Reg.Refs.92A/0808, F95A/0787 and F96A/1032.

The most recent permissions include the following:

- Reg.Ref.F15A/0024 – ABP.Ref. PL06F.245567 – Permission granted by the Council and subsequently granted subject to conditions by the Board for the (i) refurbishment and renovation of existing ground floor library (413 square metres); (ii) construction of first floor extension (413 square metres) above existing building to provide a cultural facility/exhibition centre including meeting rooms and multipurpose spaces; (iii) construction of a two storey extension to the front of existing library building to provide a café/restaurant unit (262 square metres) over two levels within a glazed atrium space; (iv) hard landscaped public plaza and (v) reconfiguration and upgrade of existing

south eastern surface car park to provide 82 number spaces. The development also includes all internal modifications, demolitions, lifts, stair cores, toilets, staff facilities, signage, external trolley bays and all ancillary, drainage and landscaping works, all on a site of 1.72 hectares and in accordance with Local Objective number 287 of the Fingal Development Plan 2011-2017 'to encourage the enhancement of Rathbeale Local Centre' at Rathbeale Public Library, Rathbeale Shopping Centre, Rathbeale Road, Swords, County Dublin. This was granted in February 2016 and while still current does not appear to have been enacted.

- Reg.Ref. FF12A/0088 – ABP. Ref.PL06F.241107 permission granted by the Council and subsequently subject to conditions by the Board on appeal for the Replacement of existing 5.175 metre sign with a new 7.6 metre internally illuminated pole sign and for all ancillary engineering works necessary to facilitate the development to denote the Rathbeale Shopping Centre, Rathbeale Road, Swords, in accordance with Local Objective number 287 of the Fingal Development Plan 'to encourage the enhancement of Rathbeale Local Centre'. As per condition 2 Option B was permitted.
- Reg.Ref.13A/0333 – Permission granted by the council for 2no. 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. This was not subject to appeal to the Board.

Adjoining Lidl site

- Reg.Ref.F17A/0007 – ABP. Ref. PL06F.248271 permission granted by the Council and subsequently subject to conditions by the Board for amendment to Operational Trading Hours.
- Reg.Ref.F10A/0088 – ABP. Ref. PL06F.238054 permission granted by the Council and subsequently subject to conditions by the Board for the Construction of a licensed discount food store with gross floor area of 1,666 square metres (1,274 square metres net retail area) on the site of an existing convenience store and 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 dwellinghouse. The development also includes the provision of an Electricity Supply Board MV sub-station, one number free-standing pole-mounted illuminated sign, two number building-mounted illuminated signs, surface-level car parking, new on-site foul and surface water drainage layouts and connection to public mains at existing connections, all at Rathbeale Road, Swords. This has been constructed.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

Chapter 3 refers to Placemaking and this includes reference to the importance of mixed use Local Centres. *These are usually small retail areas that serve a residential area within walking distance of these centres. Other services such as childcare and medical facilities may also be available with a limited amount of office space.*

Objective PM68 seeks to: *Promote the clustering of community, recreational and open space facilities, with community facilities being located in local centres or combined with school facilities as appropriate.*

Objective PM69 seeks to: *Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.*

Chapter 6 refers to Economic Development

Section 6.8 refers to the Retail Sector and Table 6.1 provides the Fingal Retail Hierarchy. Rathbeale 'LC' is designated a Level 4 Local Centre the Fingal Retail Hierarchy includes a number of important small towns, urban village centres, and local centres.: *Level 4 Centres should generally provide for one supermarket ranging in size from 1,000-2,500 sq m with a limited range of supporting shops (low order comparison), supporting services, community facilities or health clinics grouped together to create a focus for the local population. This level of centre should meet the everyday needs of the local population and surrounding catchment.*

Objectives ED45 to ED47 seek to encourage the development of a range of use including the promotion of retail uses within Local Centres.

Objectives ED53 and ED54 seek to prevent an over-supply or dominance of fast food outlets, takeaways etc including at shopping and local centres. Objective DMS107 also refers.

Chapter 7 refers to Movement and Infrastructure

Objectives LP01 and LP02 seek to minimise the impact of lighting.

Objectives NP03, NP04 and NP05 seek to require that all developments be designed and operated in a manner that will minimise and contain noise levels.

Chapter 11 provides the Land Use Zoning Objectives and the subject site is within the 'LC' Local Centre Objective where the Objective is to: *Protect, provide for and/or improve local centre facilities*. The Vision seeks to: *Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/ dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy*. A Restaurant/Café is permitted in principle in this category.

Chapter 12 contains the Development Management Standards

Table 12.8 provides the Car Parking Standards. Table 12.9 contains the Bicycle Parking Standards.

Section 12.3 includes regard to Signage in Urban Design. This provides: *Advertising signage, where permitted, should be simple in design, sympathetic to its surroundings, non-illuminated and not unduly obtrusive. The Council aims to reduce the amount of fixed structure signage and to ensure that unauthorised and redundant signage and advertisements are removed*. Objective DMS11 seeks to discourage visual clutter and DMS15 also refers.

5.2. Natural Heritage Designations

Malahide Estuary SAC while not adjacent to the site, is in the closest proximity.

6.0 The Appeal

6.1. Grounds of Appeal

The Rathbeale Residents Association strongly object to the decision of Fingal County Council to grant permission and their grounds of appeal include the following

- They are concerned that the proposed coffee shop/restaurant with outdoor seating and awning will have an adverse impact on their residential amenity. This includes relative to concerns regarding lighting, noise, odours, litter, late opening hours and anti-social behaviour.
- It is their opinion that the proposed café/restaurant should be contained within the main building, away from residents homes, where noise pollution and odours cannot be carried into their homes.
- They have concerns about the wording of Condition no.6 of the Council's permission particularly the lack of clarity about the use of the word *similar* and that this might include a fast food outlet.
- They note that the owners already have planning permission for a coffee shop/restaurant – Reg.Reg. F15A/0024 proposes a café/restaurant over two levels. Residents have huge concerns about another proposed food establishment.
- They are concerned about a proliferation of proposed illuminated signage being excessive and obtrusive, to the detriment of the visual and residential amenity of the area. They consider that all flagpoles should be removed due to the large volume of advertising already for this establishment.
- They consider it imperative that all lighting is turned off when these premises are closed to the public, including this proposed development in the interest of their residential amenity.

- They note that the residents who live opposite the Lidl store (F10A/0088) on the Rathbeale Road still have huge problems with light spillage and glare from advertising lighting for this establishment.
- They ask the Board to consider their deep concerns that they have raised in relation to the proposed development and note they are trying to hold onto their residential amenity.

6.2. Applicant's Response

Hughes Planning & Development Consultants have submitted a response to the grounds of appeal on behalf of the applicant, which includes the following:

- It is considered that the development as approved by Fingal County Council is acceptable and that no undue negative impact will occur on the visual or residential amenity of the area.
- They note that the Acoustic Report prepared by Resonate Acoustics concluded that the proposed development will not result in a discernible increase in the existing ambient noise levels within the Library.
- The proposed signage is considered to be acceptable and the new totem sign will replace that existing. In addition 3no. western flag poles will be removed as has been approved by the Council.
- The proposal accords with the Local Centre land use zoning and the proper planning and sustainable development of the area and also meets the relevant objectives and development management standards in the Fingal CDP 2017-2023.
- They also note that the Planning Officer' Report provided that: *Overall the modifications to the shopping centre are significantly less from that proposed under F15A/0024.*
- The applicant will accept a condition regarding public lighting. No vent or extraction fans are required to facilitate the development. The applicant will comply with Condition no.3 of the Council's permission.

- They provide that the appellants are unjustified in their concerns about Condition no.6 and consider that this unit will not be used as a fast food outlet. It will be used as a café/restaurant as per the description in the statutory notices.
- They note the Appellants concern regarding advertising. They note that the flag poles do not form part of the current application and have been in situ for approx.35years.
- They consider that as approved by the PA the most appropriate approach is to remove the 3no. western flag poles as these are closest to the proposed new totem pole (Figure 7.0 refers). This will result in an overall reduction of signage.
- They submit that the replacement totem sign will be in a more appropriate location than the existing sign and it will not harm residential amenities.
- The proposed totem pole will be of a similar height to that approved under Ref.PL06F.241107.
- Upon completion the development will adhere to Conditions Nos. 10 and 11 of the Council's permission.
- They conclude that all issues raised by the Appellant has been adequately addressed in this response submission. The proposal as approved by the Council accords with the zoning of the site which seeks to protect, improve and provide for the future development of the village centre.

6.3. Planning Authority Response

Fingal County Council note the issues of concern in the Third Party appeal are broadly similar to the objections raised by third parties during the assessment of the planning application. Their observations include the following:

- It is not considered that the proposal will have a negative impact on existing houses in the area and they note the separation distance of c.60m between the site and the northern edge of Rathbeale Road is considerable. Noise and odours from a coffee shop will be limited to the immediate vicinity of the site.

- They do not consider that the lighting will significantly impact on the residential amenity of dwellings in the vicinity of the site.
- Condition no.6 is clear in its intent that the facility shall not operate as a hot food takeaway.
- Condition no.3 requires further details demonstrating that the operation of the library will not be impacted by the café/restaurant. Such details are to include the use of appropriate glazing as well as suitable acoustic and ventilation measures.
- The removal of six rigid advertising signs is considered to be appropriate as there is currently a proliferation of signage.
- They ask the Board to uphold the Council's decision.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. This is a long established local centre containing a comparison retail Dunnes Stones (clothes shop on two floors) and JC Savage supermarket as anchor stores. There are also some smaller retail units and a public library on site. As shown on the Land Use Zoning Map for Swords, in the Fingal CDP the subject site is within the 'LC' Local Centre Objective where the Objective is to: *Protect, provide for and/or improve local centre facilities*. It is of note that a Restaurant/Café is permitted in principle under this category. Table 6.1 provides the Fingal Retail Hierarchy and Level 4 of this Hierarchy includes the Rathbeale Local Centre. The Lidl supermarket, which is not part of the subject site is on the adjoining site to the south east. The site is proximate to residential development.
- 7.1.2. The First Party provides that the proposed development has been designed with the particular emphasis on the context of its location and surrounding development and envisages a significant improvement to the range of non-retail evening time uses on the subject site along with the provision of a high-quality building and improved advertising signage. Also, that considering its location within the Local Centre that it is in compliance with planning policy and objectives.

7.1.3. It is of note that there have been a number of objections from local residents and a Third Party Appeal has been submitted by Rathbeale Residents Association. They are particularly concerned about the impact on residential amenities of the proposed café/restaurant siting and usage. They also have concerns about the visual impact of the replacement totem pole and proliferation of signage. Regard is had to the proposed development and to the issues raised and its impact on the proper planning and sustainable development of the area is this Assessment below.

7.2. Design and Layout and Usage

7.2.1. It is proposed to demolish the existing single-storey canopy/pedestrian walkway and brick planter box to the front of the existing library building and to construct a contemporary flat roofed single storey extension with 4no. roof lights to the front of the existing library building. This extension is to extend to 230sq.m and to accommodate a café/restaurant with an outdoor seating area with retractable awning and a new entrance lobby to the existing supermarket and library building. The extension is to have associate fascia on its front façade, south-east elevation and on the awning. It is provided that the overall floor area of the restaurant is to be c.170sq.m with a seating area of 129sq.m. There will be an increase in the area of the existing building from 5,925sq.m to 6,175sq.m, which will result in a 3.8% increase in floor area.

7.2.2. The Third Party are particularly concerned about the location of the proposed café/restaurant and outdoor seating area and consider that there will be an adverse impact on residential amenity for local residents. They are concerned about proximity to their properties particularly in Castelfarm estate, noise, smell, anti-social behaviour etc.

7.2.3. In this respect it is noted that the proposed café/restaurant does not extend further in length than the existing brick built library building. The proposed awning and canopy are shown to the south of the café/restaurant building, close to the canopy proposed at the main entrance to the south-eastern elevation of the shopping centre. Therefore, it will not be any closer to the semi-detached houses in the Castlefarm estate to the north-east. It is noted that it will adjoin the existing car parking area and that the Lidl store is to the south east. In view of its location to the side rather than

the rear of the building it is not considered that the proposed outdoor seating area will have an adverse impact on local residents.

- 7.2.4. As the proposed development is to adjoin the existing library building, the Council requested additional information of the noise impact of the proposed restaurant/café on the library. In response a Report has been submitted by Resonate acoustics. It is noted that the public library currently has glazed areas adjoining the area proposed for the café/library. From the results of the assessment it is concluded that provided the relevant noise criteria are followed (as outlined in this Report) the proposed development is predicted to comply with the relevant noise impact criteria i.e no discernible increase in the existing ambient noise levels within the library. Condition no. 3 of the Council's permission recommends that full details of the interface with the public library be submitted. If the Board decides to permit I would recommend such a condition be included.
- 7.2.5. Concerns about the proposed usage and the need to ensure the proposed café/restaurant is not used as a takeaway are noted. It is noted that the First Party provides that this will not be the case and that no vent, extraction fans are required to facilitate the development. In the previous permission PL06F.245567 Condition no.5 is of note and provides: *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.* The Board may decide to include such a condition or decide that in the context of the café/restaurant use applied for it is too restrictive. The proposed usage is restricted by Condition no.6 of the Council's permission and excludes 'hot food take-away'. While I would recommend the inclusion of this type of condition should the Board decide to permit, I would recommend the omission of the words 'or similar' to be replaced by 'any other type of use'. I would also recommend a condition to restrict opening hours as per condition no.7 of the Council's permission.
- 7.2.6. The proposal also includes the provision of 2no. canopies at the main entrances to the existing supermarket on the north-western elevation and the south-eastern elevation which will adjoin the proposed cafe/restaurant. A new emergency exit is to be provided on the south-eastern elevation of Swords Library and there is to be an escape route through the service yard. It is not considered that these will have an adverse impact or that there is an objection to these amendments.

7.3. Signage

7.3.1. It is of note that the presence and location of signage can have a major impact on the visual amenity of an area. Poorly positioned and unnecessary signage can reduce the overall visual quality of an area. Section 12.3. of the Fingal CDP includes regard to Signage. Objective DMS11 seeks to: *Evaluate signage proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed, the number and size of signs in the area (both existing and proposed) and the potential for the creation of undesirable visual clutter.* Objective DMS14 seeks to: *Resist new billboard and other large advertising structures and displays.*

Totem sign

7.3.2. It is noted that the current application is for a replacement sign. As referred to in the History Section above, the existing totem sign on site was granted by the Board under Ref.PL06F.241107. Condition no.2 provided that the sign be in accordance with Option B, which restricted the height to 6m. This is now in situ, the current application seeks to replace the existing large centrally located totem pole to as shown on the Site Layout Plan in a revised location (approx.32m north-west of the existing sign) close to the vehicular entrance at the south-western section of the site.

7.3.3. The Third Party are concerned that the totem sign is being replaced by a wider and different sign and its very height and scale is not acceptable in their residential area. The First Party contend that the fascia signage, along with the totem sign will not detract from the visual amenity of the adjoining area. Also, that it will be appropriate in terms of size, scale and design and will also not harm the character of the existing building on the application site. They provide that upon completion, the development will adhere to Conditions nos.10 and 11 of the Council's permission. The latter relates to non-illumination of the sign outside of opening hours.

7.3.4. The F.I submitted has regard to precedent cases relative to larger free-standing signs. They refer to the signage permitted on the adjoining Lidl site (Ref.PL06F.238054 refers). They provide that the construction of the Lidl sign has set a precedent for the establishment of similar signage within the Rathbeale area. They consider that the proposed sign will encourage the enhancement of Rathbeale Local Centre through a high quality aesthetically pleasing development and will

protect local centre facilities. They also include details of other such signage including totem type signage on other supermarket/retail sites and in local centres in the vicinity and some distance from the site and include details/photographs of such.

- 7.3.5. While regard is had to such signage it is considered that each advertising structure needs to be considered on its merits having regard to planning policies and objectives and the locational content of the site. A precedent for a totem type sign has been set on the subject site. As shown on the drawings the totem pole currently proposed is also to be 6m in height. It is described on the drawings as being an illuminated backlit totem sign. However, in view of its wider more angular design and location it will appear more visible in this location at the entrance to the site. If the Board decide to permit I would recommend that it be conditioned that the width of the totem sign at its widest point not exceed 3m and the height 6m.

Flag poles

- 7.3.6. The issue of the 6no. flag poles along the frontage has also been raised. The First Party provides that, these have been in situ for approx.35 years, dating from the opening of the original JC supermarket. Also, that these structures have been used for the display of various advertising signs during this period and are not part of the current application. The F.I submitted proposes to remove 3 of the western flag poles and have submitted a revised drawing showing this and a proposed Visual Concept showing the 3 remaining three flag poles and the proposed totem sign. Condition no.10 of the Council's permission supports this concept. However, it is noted that in their response to the Third Party appeal the Council are concerned about the proliferation of signage and support that the 6no. rigid flagpole signs should be removed. While I have no objection to their removal, I do not consider that the retention of 3 of these longstanding flagpoles has a significant impact on the visual or residential amenity of the area. If the Board decides to permit it is recommended that Conditions similar to nos.10 and 11 be included.

Fascia signage

- 7.3.7. Including the fascia signage on the proposed extension, it is proposed to incorporate fascia signage into the north-western elevation of the existing building, above the proposed canopy at the entrance to the building. This is described on the drawings as 'New proposed front façade with wood cladding and illuminated backlit signage'.

Having regard to the drawings submitted this signage is considered to be acceptable. However, in view of the proximity of residential development, if the Board decide to permit I would recommend that signage only be illuminated during the opening hours of the main supermarket. It is noted that there is a proliferation of signage on site and the removal of unauthorised signage is a matter for the Council's enforcement.

7.4. Access and Parking

- 7.4.1. There is a single vehicular access to the site from the Rathbeale Road located close to the south western boundary. No alterations to this are proposed in the current application. It is proposed to reconfigure, resurface and upgrade the existing surface car park. As originally proposed the number of car parking spaces is to be marginally decreased from 290 to 277 and to include 1no. disabled spaces in front of the proposed 230sq.m extension. New pedestrian routes are also to be provided and traffic calming measure implemented.
- 7.4.2. The Council's Transportation Planning Section notes that in accordance with Table 12.8 of the Fingal CDP the proposed development will lead to a deficit in parking for the Rathbeale Shopping Centre. The maximum parking requirement for a shopping centre with a G.F.A of 6175sq.m based on 1/20sq.m is 308 spaces. They also note that cycling parking spaces had not been shown. In response to the Council's F.I request that applicant has submitted a revised Site Layout Plan and associated details to justify the parking shortfall and to indicate how car and bicycle parking is to be provided in accordance with the Fingal CDP. Reference is made to the proximity of residential development for pedestrians, the availability of public transport and to smarter travel and Section 3.6 of the Fingal CDP. This includes: *Generally, it is beneficial for facilities to be clustered together within, or adjacent to a town, village or local centre. Clustering can also help to improve their viability as well as making them more convenient and accessible by public transport, walking and cycling.*
- 7.4.3. The Council's Transportation Planning Section notes that as per the F.I submitted 277 parking spaces and 60no. new cycle spaces are to be provided. The latter is in accordance with Table 12.9 of the Fingal CDP. In view of current and future public transport availability there is no objection to the proposed development. They also note that the location of the proposed totem sign is such that it will not impede

sightlines at the existing vehicular entrance. In view of these issues it is considered the proposal is acceptable relative to access and parking arrangements.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. The concerns regarding noise and odour pollution have also been noted as have the details submitted by the applicants. Having regard to these issues the appellants are of the opinion that, the café/restaurant would be more appropriately sited within the main building. However, there is currently no location within the main building to facilitate the scale of the proposed café/restaurant use, hence the current application, which is to form an extension to the existing building, including the library. In the interests of residential amenity and public health it is recommended that appropriate conditions be included relative control of noise, odours, opening hours, delivery and refuse collection, storage of waste and litter mitigation measures associated with the proposed development.
- 7.5.2. Having regard to the contextual location of the proposed extension, the restriction of the use to café/restaurant, restriction on opening hours and on the illumination of signage and the removal of 3no. flagpoles I would consider that the proposed development will not have an adverse impact on the local centre or on proximate residential development.
- 7.5.3. As the proposal will expand the facilities to the local centre and is a permitted use therein, this is in accordance with the land use zoning and objectives of the Fingal CDP. It is also noted that the proposed development is of a considerably reduced scale to that previously permitted in Ref.06F.245567, which has not been constructed. I would therefore, be of the opinion that the proposed development subject to the restrictions/limitations imposed by the recommended conditions below, would be acceptable on this site and would not have an adverse impact on the visual or residential amenities or character of the area.

7.6. Screening for Appropriate Assessment

- 7.6.1. Having regard to the minor nature of the proposed development and its location in a serviced suburban area, no Appropriate Assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017-2023, the relevant planning history of the application site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development which is a permitted use within the Local Centre land use zoning, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be in acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of December 2017 and by the further plans and particulars received by An Bord Pleanála on the 20th day of March, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed café/restaurant shall only be used as such and shall not be used as or incorporate a hot food take-away or any other use unless a further grant of planning permission is obtained in this regard.

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

3. Prior to the commencement of development details of the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed buildings.
 - (b) Details relative to the construction works of the proposed café/restaurant relative to its interface with the public library.

Reason: In the interest of the visual amenities of the area.

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

Monday, Tuesday and Saturday 0800 to 2000

Wednesday to Friday 0800 to 2100

Sunday and Bank Holidays 1100 to 1800

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

5. The noise level from the proposed development during the operational phase shall not exceed 55 dB(A) rated sound level at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Saturday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. No deliveries or refuse collection shall be taken at or dispatched from the premises outside the hours of 08.00-20.00 hours, Monday to Saturdays, and 10.00-20.00 hours on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

7. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

8. (a) The existing totem pole shall be removed and the proposed totem pole shall not exceed 6m in height or 3m in width at its widest point. This and other signage hereby permitted shall not be illuminated outside of the opening hours of the main supermarket and all lighting associated with the café/restaurant shall not be illuminated after opening hours.

(b) Existing flag poles identified for removal on Drawing Ref JCS-P-01.01 submitted on the 22nd December 2017 and their associated signage shall be removed from the site within three months of this grant of permission.

(c) No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: In the interest of public health and to ensure a proper standard of development.

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

Reason: In the interest of amenity.

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

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

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Angela Brereton
Planning Inspector

17th of May 2018