

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0195

An Bord Pleanála Reference Number: PL 06F.246628

APPEAL by Fergal and Ruth Marrinan and others care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 27th day of April, 2016 by Fingal County Council Council to grant subject to conditions a permission to Musgrave Operating Partners Limited care of BMA Planning of 128 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising revised proposals for traffic circulation for the existing SuperValu Centre consisting of a proposed one-way circulation system involving inbound customer and delivery access via existing Howth Road and Station Road entrances and all outbound customer and delivery traffic via a new vehicular exit from the car park located at number 15 Howth Road; reconfiguration and extension of the existing car park to provide a total of 304 number parking spaces (278 number parking spaces are currently provided on site) to include the rear gardens of numbers 15-16 Howth Road; revisions to the service yard layout (previously permitted under planning register reference number F13A/0373/An Bord Pleanála appeal reference number PL06F.243198) including new boundary treatment, screen walls and layout adjustments to facilitate the enlarged service yard which now includes lands to the rear of number 1 Howth Road. This development includes the demolition of number 15 Howth Road (vacant former beauty salon - 171 square metres) to facilitate the new vehicular exit from car park onto Howth Road and revisions to the entrance arrangements, size and layout of the site of existing dwelling at number 16 Howth Road. Permission is also sought for additional advertising signage including the replacement and relocation of the existing totem sign at main Howth Road entrance, 'welcome' and 'thank you' signs at entrance and exit of carpark and seven number billboards affixed to carpark boundary walls – a total of 10

signs measuring 66.35 square metres; revised road markings and directional signage; landscaping/boundary treatment and all associated site and development works, all on 1.56 hectares site at Sutton Cross, Howth Road, Sutton, Dublin. The site includes the SuperValu Centre Sutton Cross and including lands to the rear of number 1 Howth Road and adjoining properties at numbers 15-16 Howth Road.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, the zoning provisions of the site as set out in the Fingal County Development Plan 2011-2017, the planning history of the site, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 31st day of March 2016, 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. Number 16 Howth Road shall be used as a residential dwelling only.

Reason: In the interest of clarity.

3. The parking spaces along the eastern boundary shall be omitted and replaced with parallel parking thereby increasing the buffer area by 2.5 metres to 6.5 metres along the boundary with number 17 Howth Road.

Reason: In the interest of residential amenity.

4. (a) The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location, that is, number 6 Saint Catherine's Terrace or number 16 Howth Road, between 0800 and 2000 hours, Monday to Friday 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.

(b) Noise from goods delivery vehicles shall be controlled so they do not pose a noise nuisance at houses 1–6 Saint Catherine's Terrace or numbers 16 and 17 Howth Road.

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

5. (a) The boundary walls shall be installed as a noise mitigation measure on both sides of the EXIT road to a height of 2 metres relative to the road and extending to meet the forward building line of number 16 Howth Road, where the wall shall be reduced to 1.2 metres in height.
- (b) The development shall be operated that there will be no emissions of malodours, gas, dust fumes or other delirious materials and no noise vibrations on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.
- (c) Deliveries to the development shall be restricted to the hours of:
- | | |
|-----------------------|---------------------|
| Monday – Friday | 07.30 – 20.00 hours |
| Saturday | 08.00 – 20.00 hours |
| Sunday/Public Holiday | 10.30 – 19.00 hours |

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

6. The engineering requirements of the planning authority shall be strictly adhered to as follows:
- (a) Prior to the commencement of development, the developer shall carry out and submit a Road Safety Audit (RSA) for the written agreement of the planning authority.
- (b) The Road Safety Audit shall specifically assess the Bus Stop on the Howth Road. Any recommendations shall be implemented by the developer.
- (c) Details of the works to Sutton Cross junction to provide for road widening and median shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (d) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.

- (e) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
- (f) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere or obstruct over time the required visibility envelopes.
- (g) The new boundary treatment between the proposed new entrance on Howth Road and the existing site entrance to the west of the proposed entrance shall not impede the sightlines of the existing entrance to the west.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 8. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is operational.

Reason: In the interest of public safety and visual amenity.

- 9. 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.

10. (a) The landscaping scheme shown on drawing number 101, as submitted to the planning authority on the 31st day of March 2016, shall be carried out within the first planting season following substantial completion of external construction works.
- (b) The new 2.4 metres high wall proposed along the eastern party boundary with number 17 Howth Road shall be constructed to the west of the existing hedge located on the party boundary.
- (c) The trees shown in Area A and the four Quercus robur adjoining three car park spaces in Area B as indicated on the Landscape Plan drawing number 101 shall be planted in construction tree pits.
- (d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. 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 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.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. All necessary measures shall be taken by the developer to prevent 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.

14. 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.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

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

Dated this day of 2016.