



An  
Bord  
Pleanála

## Board Order ABP-317579-23

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0205**

**Appeal** by Liffey Distributors Limited care of Virtus of 5<sup>th</sup> Floor, The Glass House, Coke Lane, Smithfield, Dublin against the decision made on the 19<sup>th</sup> day of June, 2023 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of: (a) demolition of existing buildings and structures on site; (b) construction of a new three-storey building (totalling circa 757 square metres gross internal area). The building will comprise one number ground floor retail unit (circa 362 square metres gross internal area with 261 square metres net floorspace) and residential floorspace (circa 395 square metres gross internal area) consisting of four number two-bed duplex units located above the ground floor retail unit; (c) provision of six number surface car parking spaces and four number short stay and 14 number long stay cycle parking; (d) minor alterations to existing entrance and exit by removing existing boundary wall along Howth Road and replacement with new boundary wall; and (e) provision of communal open space at first floor level. The development will also include for all associated and ancillary site development works, bin storage, drainage, services and hard landscaping (including boundary treatments), fascia level signage zone to retail unit and all other ancillary works all at former Sutton Service Station, Howth Road, Sutton, Dublin.

## **Decision**

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

## **Reasons and Considerations**

It is considered that the proposed development of a mixed use residential and retail development on serviced, zoned, brownfield land in the centre of Sutton, with a Town Centre zoning in accordance with the provisions of the Fingal County Development Plan 2023-2029 and national policy in relation to infill development, would not detract from the amenities of existing residential properties or of the area, subject to compliance with the conditions set out below, would provide future occupants with adequate residential amenities. 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 received by An Bord Pleanála on the 14<sup>th</sup> day of July, 2023, 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. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

3. Details of the proposed entrance treatment and associated widths shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards and lighting fixtures;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

5. Prior to the commencement of development, a full site investigation in relation to underground tanks shall be undertaken, with the results and proposed remediation strategy submitted to the planning authority for written agreement.

**Reason:** In the interest of protecting the environment.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of shared communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Bins should not remain on the public footpath and should be collected directly from the bin storage area. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment and to avoid impacts on traffic.

8. The construction of the development shall be managed in accordance with a Construction 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 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.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

12. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

**Reason:** In the interest of public health.

13. Proposals for a building name and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

14. Prior to the occupation of the development the existing totem sign and existing wall sign shall be removed. The details of the proposed signage to the ground floor commercial unit (drawing reference number (ABP)300, received on the 14<sup>th</sup> day of July 2023) shall be submitted to the planning authority for written agreement.

**Reason:** In the interest visual amenity.

15. 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.



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



Dated this 8<sup>th</sup> day of November 2024