



An
Bord
Pleanála

Inspector's Report

ABP-317579-23

Development

Demolition of buildings and construction of retail unit/residential development.

Location

Former Sutton Service Station, Howth Road, Sutton, Dublin 13, D13 TN82

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0205

Applicant(s)

Liffey Distributors Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Liffey Distributors Ltd.

Observer(s)

Lois Bridges

Sinead & Ian Barrett

William & Aisling Dyson

Date of Site Inspection

12th September 2024

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The appeal site is 0.085ha in size and is located at the Former Sutton Service Station, Howth Road, Sutton, Dublin 13. The site is irregular in shape and is currently occupied by the disused service station that fronts on to Howth Road. The site is immediately adjacent to Sutton Cross that includes a range of shops, coffee shops and restaurants. Sutton Dart Station is located approximately 600m to the northwest.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- Demolition of existing filling station.
 - Construction of a new 3-storey building with total height of 11.3m.
 - Ground floor retail of 362sqm.
 - 4no. 2-bed duplex units located at first and second floors.
 - Courtyard proposed at ground floor and communal open space at first floor.
 - Car parking, cycle parking and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

On the 19th June 2023 Fingal County Council refused permission for the proposed development for the following reasons:

1. *The proposed development by reason of design, mass and bulk together with the positioning on the site presents as an unduly dominant structure within the streetscape which would be wholly inconsistent with the established character of the area resulting in detrimental impacts to the surrounding visual amenity. The development as proposed would fail to accord with Objective SPQHO38 of the Fingal Development Plan 2023-2029 which seeks to Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-*

utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.

- 2. The proposed development by reason of scale and layout results in the substandard provision of usable communal open space, public open space provision and together with unacceptable separation distances to the southern boundary and the consequential incorporation of mitigation measures results in an inappropriate over development of the site. To permit the proposed development would be detrimental to the residential amenities of the existing surrounding occupants and future occupants.*
- 3. The internal design of the proposed development with the apartments being solely served by an external staircase would be contrary to Objective SPQHO6 – Universal Design Approach of the Fingal Development Plan 2023-2029 and seeks to Promote and facilitate a Universal Design for all developments.*

3.2. Planning Authority Reports

3.2.1. Planners Report

The Local Authority Planner had regard to the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- Residential and retail acceptable under the TC zoning.
- Details in relation to any underground petrol tanks not provided.
- Proposed density of 47 units per hectare is acceptable given the public transport and pedestrian/cycle connectivity of the site.
- The site is not within an architecturally sensitive area; however the Sutton Cross ACA is nearby and the site is located within a designated highly sensitive landscape by virtue of the coastal landscape character.

- The height, scale and mass of the proposed building does not respond to the receiving environment. The proposal presents as a monolithic and dominant feature on the visual amenities of the area.
- Number of units and floor areas are acceptable.
- The non-provision of a lift does not accord with SPQHO6 to promote universal design.
- The communal open space would also serve as an access route which is not conducive to quality outdoor space.
- The overall scheme would not provide an attractive place to live where a sense of place could be established.
- The site is a transitional zonal area with the RS lands to the southwest, the more environmentally sensitive uses in accordance with Objective ZO2.
- The proposed louvre treatment at first floor and opaque glazing at second floor, to prevent overlooking are not acceptable and are considered to represent the overdevelopment of the site.
- Any infill development of the site must ensure all windows and balconies are sufficiently set back.
- The design, scale and mass with substandard separation distances to boundaries would be overbearing on residential amenities of properties to the south and present an abrupt transition in scale.

3.2.2. Other Technical Reports

- **Water Services** – No objection subject to condition. Pre-connection enquiry to be submitted to Uisce Eireann.
- **Transportation** – Car, EV Chargers and bicycle parking acceptable. Vehicular entrances to be reduced in width to reduce overall crossing width of public footpath – can be conditioned.
- **Parks** – Landscaping plan required. No public open space proposed which is indicative of overdevelopment of the site.

3.3. Prescribed Bodies

Uisce Eireann

Uisce Eireann requested that any grant of permission include standard Uisce Eireann conditions in relation to agreements, standards and practices.

3.4. Third Party Observations

A number of observations were received from adjoining landowners and occupants. The following is a summary of the main points raised:

- Principle of proposed re-development of this site is welcomed.
- Excessive height and scale of the proposal is a concern and will have overlooking, overshadowing and overbearing impacts as well as reduce sunlight and daylight to existing properties.
- Car parking should be at the back and not the front of the proposal.
- Traffic impacts of the proposal including insufficient parking and impacts on already heavily trafficked Howth Road.
- Concerns about the underground storage tanks for the previous petrol station use. Risk of pollution and contamination.
- Totem sign retention is not appropriate.
- Proposal is out of context with the Sutton Cross area.
- Impact of proposed communal open space on privacy and enjoyment of residential amenity due to noise.
- Communal space inadequate.
- Insufficient bulky storage provided in the scheme.
- Universal access is not provided.
- Bin storage area too close to existing properties.
- Proposal represents over development of the site.
- Concern over construction impacts.

- Impacts on existing health facilities due to overlooking, noise, overshadowing and lack of separation distances.
- Drainage impacts on Greenfield Road a concern.

4.0 Planning History

None on file for the subject site.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. Relevant national policy includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which require higher residential densities in city/town centres and in areas with good public transport links and existing public services and facilities.
- 5.1.2. The current apartment standards are the Sustainable Urban Housing: Design Standards for New Apartments (Dept. of Housing, Local Government and Heritage December 2022) ('The Apartment Guidelines').
- 5.1.3. In relation to building height, the relevant guidelines are Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines'). SPPR1 of the Building Height Guidelines support increased height and densities in locations with good public transport accessibility, particularly town/city cores.
- 5.1.4. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) contains a number of standards and guidelines in relation to infill development sites in urban centres.

5.2. Fingal County Development Plan 2023-2029

- 5.2.1. The site and lands to the west are zoned Objective TC 'Town and District Centre' in the Fingal Development Plan 2023-2029 which is the statutory plan for the area. The

TC Zoning seeks to *‘Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.’*

- 5.2.2. The adjoining land use zoning to the south and east is RS – Residential: *‘Provide for residential development and protect and improve residential amenity, where the vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.’*
- 5.2.3. Policy CSP12 (and Policy SPQHP38) promotes compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that encourage infill / brownfield development.
- 5.2.4. Policy CSP22 seeks to *‘Consolidate the development and protect the unique identity of Howth, Sutton and Baldoyle. This includes protection against overdevelopment.’*
- 5.2.5. Objective CSO23 relates to Town Centre Regeneration and aims to *‘Continue to develop a strategic approach to town centre regeneration through Town Centre First: A Policy Approach for Irish Towns within settlements forming part of the Dublin City and Suburbs Area by utilising existing buildings and unused lands for new development, promoting residential occupancy and providing a mix of uses within these areas, including cultural and community uses and residential uses, as appropriate.’*
- 5.2.6. Objective SPQHO6 seeks to promote and facilitate a universal design for all developments.
- 5.2.7. Policy SPQHP35 relates to quality of residential development and seeks to:
“Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.”

- 5.2.8. Objective SPQHO37 – Residential Consolidation and Sustainable Intensification:
‘Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.’
- 5.2.9. Objective SPQHO38 refers to residential development at sustainable densities and states the following:
“Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.”
- 5.2.10. Objective SPQHO39 of the development Plan refers to New Infill Development and states:
“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”
- 5.2.11. Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites seeks to *“Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.”*
- 5.2.12. Objective DMSO24 relates to Apartment Development and states:
“All applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs), the standards set out under Appendix 1 and general contents of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (or updated guidance as may be in place at the time of lodgement of the planning application).”
- 5.2.13. Objective DMSO26 relates to Separation Distance between Side Walls of Units and seeks to: *“Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units. (Note: This separation distance may be reduced on a case-by-case basis in relation to infill and*

brownfield development which provides for the regeneration of under-utilised lands and subject to the overall quality of the design and the schemes contribution to the streetscape. A statement demonstrating design mitigation and maintenance arrangements shall be submitted in such cases).”

5.2.14. Objective DMSO31 states that new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

5.2.15. Objective EEO90 relates to new Retail Development and states the following:

“Ensure that applications for new retail development are consistent with the retail policies of the Development Plan, in particular with the Fingal Retail Hierarchy, and are assessed in accordance with the requirements of the Guidelines for Planning Authorities: Retail Planning, including, where appropriate, the application of the Sequential Approach, and requirements for retail impact assessments and transport impact assessments for retail developments which due to their scale and/ or location may impact on the vitality and viability of major town, town, local and village centres, while having regard to the impact such directions/ developments may have on the existing businesses operating within the area.”

5.2.16. Objective ZO2 relates to Transitional Zonal areas and states the following:

“Have regard to development in adjoining zones, in particular, more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.”

5.3. Natural Heritage Designations

5.3.1. The following natural Heritage designations are located approximately 380m to the northwest of the appeal site:

- Baldoyle Bay SAC – 000199.
- Baldoyle Bay SPA – 004016
- pNHA Baldoyle Bay– 000199.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development which consists of the demolition of the existing building and the construction of a three storey mixed used development in a serviced and urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 5.4.2. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report.

6.0 The Appeal

6.1. Grounds of Appeal

In the First Party Appeal, the following grounds are submitted:

- As confirmed by the Planning Authority the principle of the proposed retail and residential uses, as well as the density of 47 units per hectare are acceptable.
- The proposal is generally in keeping with the mixed character of the area and will revitalise a vacant derelict development on site and provide much needed homes to the area. Verified views are submitted to confirm the appropriateness of the proposed development.
- The retail unit will be occupied by the applicant and will bring an active use to the area at ground floor level. The appeal notes the Planning authority found the retail unit to be acceptable at this level 4 centre.
- There is no policy backing provided by the Planning Authority for the assertion that the proposal is out of scale. Density, plot ratio, site coverage and building height are all within acceptable parameters.
- The communal open space at first floor level is proposed for removal in the appeal, as permitted under the Design Standards for New apartments, which will alleviate concerns of neighbours in relation to this space.

- The proposed building is setback from the rear boundary at first and second floor levels so as not to appear overbearing. Adequate setbacks are provided to all properties, with additional mitigation by way of opaque glazing and screening to prevent overlooking.
- Private amenity space is above standard requirements for each apartment.
- The proposal has been designed to reduce impacts on adjoining properties, which are primarily in commercial use. Adequate design measures have been incorporated such as separation distances, opaque glazing, screening and angled windows, that will reduce overlooking and impacts on daylight and sunlight.
- The residential amenity of the proposed residential units is considered to be high as supported by evidence from estate agents.
- A private lift has been added to address universal design concerns. Associated changes to the northern elevation and layout at ground floor are also proposed, including a reduction in retail floor space from 362sqm to 352sqm.
- A remediation strategy will be prepared if petrol tanks are found to be present underground at the subject site.
- Unsatisfactory pre-planning consultation did not provide feedback on amended proposal prior to submission of application. It is submitted the Planning Authority's concerns could have been addressed through further information instead of an outright refusal.
- The design of the proposed building refers to the previous cinema use at this location and does not impact on the high value coastal character landscape of the area.
- The proposed height and roof profile are appropriate in context of Building Height Guidelines and modern apartment development.
- The proposed density is appropriate for this urban infill site, close to public transport including DART services, and is therefore consistent with Objective SPQHO38.

6.2. Planning Authority Response

The Planning Authority response states that the subject proposal was assessed under the objectives and policies of the Fingal County Development Plan 2023-2029 and government policies and guidelines as existing. Impact on adjoining neighbours and the character of the area was considered, as well as issues raised in objections.

The amended plans are noted but the removal of the communal open space further emphasises the overdevelopment of the site. The proposal would therefore not be consistent with the proper planning and sustainable development of the area and the Planning Authority request that An Bord Pleanála uphold the decision to refuse permission.

In the event of a successful appeal against the decision, Section 48 Development Contributions should be applied.

6.3. Observations

6.3.1. There were 3no. observations on the first party appeal. The main issues can be summarised as follows:

- The subject proposal would have a direct impact on medical patients and treatment in property to the south.
- The absence of private open space is indicative of the overdevelopment of the site. The originally proposed open space had little amenity value.
- The proposal will result in visual intrusion, overlooking, noise, substandard separation distances and overdevelopment and are contrary to the provisions of the Sustainable Residential Development in Urban Areas Guidelines (2009).
- Increased densities should only be permissible when they would have no impacts on neighbouring properties or result in overdevelopment of a constrained site.
- The design, mass and bulk of the subject proposal has a direct impact on residential properties.

- Sunlight and daylight have not been appropriately assessed as a number of windows at 180A Howth Road have been omitted from the assessment.
- Issues remain with bin storage locations and associated impacts on residential amenity.
- It is unclear from the submitted drawings if the proposed building is in line with the adjoining property to the west.
- Inadequate response to pre-planning feedback in the submitted application.
- Concerns remain in relation to the underground tanks associated with the former petrol station at this location and potential environmental impacts.
- The comparison examples provided by the applicant are not appropriate to the circumstances of the subject appeal.
- Abundant supply of apartment developments in the wider area, which is contrary to submitted documentation from the applicant's estate agent.
- The proposed changes to the scheme as submitted in the appeal, do not resolve the issues with the proposal.
- The compact settlement guidelines are not a relevant current standard against which the proposal should be assessed.

7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Principle of Development
- Impact on Residential Amenity
- Visual Impact
- Scale and Design
- Underground Tanks

7.2. Principle of Development

- 7.2.1. In the context of National and Local strategic sustainable development policies and the relevant objectives specific to this suburban location, and Town Centre zoning, there is no objection in principle to the proposed demolition of the existing filling station in favour of redevelopment that is consistent with these policies. Given the metropolitan location and proximity to DART services, the site is within a 'Central and/or Accessible Urban Location' having regard to the Apartment Guidelines, 2022 which is particularly relevant with regard to the provisions for infill sites where some flexibility to quantitative standards is permissible. Furthermore, I consider the proposed development is consistent with Urban and Building Height Guidelines according to Special Planning Policy Requirement (SPPR1) of which it is government policy to support increased building height and density in locations with good public transport accessibility.
- 7.2.2. Having regard to the town centre zoning of the site, the County Development Plan policy to support higher residential densities and mixed uses in serviced urban areas, the location of the site in proximity to DART and bus services, I conclude that the proposed development is acceptable in principle.

7.3. Impact on Residential Amenity

- 7.3.1. The first reason for refusal by the Planning Authority states that the proposed development will give rise to unacceptable impacts on the visual amenity of the surrounding area. Observers on the first party appeal note the proximity of the proposed development to the boundaries with adjoining sites and submit that the impact on sunlight/daylight, resulting opportunities for overlooking and impact on enjoyment of their property is unacceptable.
- 7.3.2. The daylight and sunlight assessment report submitted with the application and augmented, with an amended assessment as part of the appeal, is noted. The applicant has determined minor adverse impacts on one window of the adjoining property at 182 Howth Road that is identified as an office at first floor level of that building. The separation distance at this interface is 4.5 metres at upper floor levels. Minor adverse and moderate adverse impacts are forecast by the applicant at the front of properties at 180 and 180A Howth Road. The separation distance with the building at 180A Howth Road is 3.5-4.5 metres. As noted on my inspection of the site, it is primarily hardstanding/car parking areas to the front of these houses. All other

impacts are considered by the applicant to be negligible and within recommended standards as set out in the BRE Guidelines. The revised sunlight and daylight assessment submitted with the appeal concludes there will be no significant additional impacts with the amended proposals designed to address the reasons for refusal.

- 7.3.3. An observer to the appeal notes that existing windows of the property at 180A Howth Road were omitted from the Sunlight and Daylight Assessment and therefore the implications of the proposed development are much worse than presented by the applicant.
- 7.3.4. The windows concerned are located at roof level and on the western and southern façade of the building. Due to the orientation of the building within the existing setting and the daily sun path, the skylights at roof level will not be subject to daily sunlight or daylight impacts as a result of the proposal. The south facing window will receive adequate light throughout the day, owing to the path of the sun around the house. The ground floor window identified on the western façade may experience some reduction in sunlight/daylight in the late afternoon of summer months, but given the level of sunlight/daylight throughout the day and at other windows within the dwelling, I do not consider this to be an unacceptable level of impact.
- 7.3.5. Having reviewed the windows in question and the results of the Sunlight and Daylight assessment submitted by the applicant, including the shadow diagrams provided, I am satisfied with the methodology used in relation to windows of habitable rooms assessed and do not consider any additional significant impacts would arise at the windows identified given their orientation and location within the building.
- 7.3.6. Objective DMSO26 requires a separation distance of 2.3 metres between the side walls of detached units. The subject proposal achieves this separation with properties to the east, by providing separation distances of between 3.5m and 4.4 metres. To the west, a separation distance of 1.6 metres is proposed at ground floor level with a 4.5 metre setback proposed at first floor level. SPPR1 of the Compact Settlement Guidelines, which are an applicable and current Section 28 Ministerial Guideline, stipulate that there shall be no specified separation distance at ground

floor level. Given the commercial uses to the west, I am satisfied no residential amenity issues arise at this interface.

- 7.3.7. Separation distances, to guide the protection of privacy, are set out in the county development plan and the Compact Settlements Guidelines. The Fingal County Development Plan 2023-2029 (DMSO23) refers to a separation distance of a minimum of 22 metres between directly opposing rear first floor windows, unless alternative provision has been designed to ensure privacy. The Sustainable Residential Development and Compact Settlements Guidelines state that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, shall be maintained and development plans shall not include minimum separation distances that exceed 16 metres.
- 7.3.8. With regard to properties to the south, through the removal of the first floor communal space, I consider there to be adequate setbacks of between 9.6 metres and 12.8 metres between the angled windows of the proposed development and the property boundary with No. 1, 2 and 3 Greenfield Road to the south. The opaque glazing and screening proposed also assist in protecting levels of privacy within these properties. In my opinion the separation distances, screening and oblique angle between the first floor windows of the proposed development and the first floor windows of properties to the south, adequately provides for the preservation of the privacy currently enjoyed. Sustainable, compact re-development of brownfield, infill sites, requires some level of densification and, having reviewed the details provided, I am satisfied the applicant has adequately addressed the concerns of both residential and medical based residents in relation to impacts on amenity in the surrounding area. As requested by the Planning Authority Parks Department, a landscape plan is required to confirm details of boundary treatments and other material specifications within the site. I consider a condition requiring this information to be submitted to the Planning Authority to be appropriate.
- 7.3.9. Having regard to the orientation of the application site relative to adjoining properties, the setback nature of upper floors and the separation distance off the boundary with the adjoining properties, I conclude that the proposed development would not seriously injure the residential amenity of the properties in the area by way of overshadowing. Furthermore, having regard to these factors, I conclude that the proposed development will not adversely impact the level of daylight and sunlight

experienced in adjoining properties in a manner as to seriously injure the residential amenity of those properties.

- 7.3.10. I conclude, subject to the conditions drafted below, that the proposed development will not have an adverse impact on the residential amenity of properties in the vicinity and is in accordance with the proper planning and sustainable development of the area.

7.4. Visual Impact

- 7.4.1. Reason for Refusal 1 by the Planning Authority refers to the design, mass and bulk of the proposal, presenting as an unduly dominant structure within the streetscape. The first party appeal submits that the subject proposal is appropriate in the existing town centre context where there is a mix of uses, building heights and architectural treatments and is supported by current Development Plan and National Planning Policy, which includes appropriate densities, height that is consistent with the Building Height Guidelines and residential amenity standards that are compliant with the Apartment Design Guidelines.
- 7.4.2. The context within which it is proposed to construct this development, is not an Architectural Conservation Area or in proximity to Protected Structures but is a town centre location where there is a mixture of uses and building form at Sutton Cross.
- 7.4.3. SPPR1 of the Building Height Guidelines supports the provision of increased building height and density in locations with good public transport accessibility. The site is approximately 600 metres from Sutton Dart station. The H3 and 6 bus routes also serve Howth Road and Greenfield Road adjacent to the site.
- 7.4.4. The Compact Settlement Guidelines 2024, require that 50% of new development is within the existing built-up footprint on infill or brownfield sites and states: *“In order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.”*
- 7.4.5. In facilitating compact development, the relevant criteria in the County Development Plan, Compact Settlement Guidelines and Apartment Guidelines 2021 also provide for the reasonable protection of residential amenities and protection of the

established built character of the surrounding environment. The prevailing character of development in the surrounding area of the application site is that of an established town centre with a range of uses, architectural forms and low density residential housing of one and two storey houses.

- 7.4.6. Based on the existing policy context for the redevelopment of brownfield and infill sites such as Objectives SPQHO38, SPQHO39 and SPQHO42 I consider that the site has capacity for development of a mixed use, retail/residential scheme contrasting in design and form to surrounding development. The proposal can be accommodated without undue adverse impact on the character and visual or residential amenities of the area, as it is of an appropriate height and design for this urban infill site, is adequately set back and screened with appropriate mitigation measures to protect private amenity and will not result in undue overbearing impact within this urban context.
- 7.4.7. I consider the proposal shown in the response to the appeal submission satisfactory in terms of visual impact and is compatible with the surrounding built environment. The revised building form with the removal of the first floor communal space to the rear, provides adequate setback to properties to the south. I am satisfied there is sufficient amenity and open space available in the surrounding area at coffee shops and restaurants in the area; Sutton Strand, Burrow Beach, Sutton Lawn Tennis Club, Suttonians Rugby Club and Sutton Golf Club, with additional amenities in the wider area, to allow a relaxation in the provision of open space on this infill site at a key town centre location.
- 7.4.8. The proposed setbacks at first floor, added to the proposed screening, will allow sufficient separation between the proposed development and properties to the south. This modification in which there is significant additional setback of approximately 2.8m in building form at first floor level relative to that proposed in the application submission, is considered warranted to ameliorate potential overdominance in views from the rear of properties at Greenfield Road to the south. The removal of the communal space is also considered to reduce the overbearing impact on the rear garden of the adjoining property on the east side of the subject site due to a reduction the presentation of a two storey structure along the property boundary with an associated decrease in overshadowing in the late afternoon/evenings.

- 7.4.9. The front façade is appropriately treated with vertical detailing in the glazing and balconies to the duplexes that ameliorates any potential for a continuous horizontal blank facade over the length of the road frontage and I consider this to provide a modern architectural quality to this infill site, which will provide visual interest and enhance the appearance of this site and the area.
- 7.4.10. It is also considered that the alternative proposal in the appeal, is warranted and more appropriate, in that it is less overbearing and visually intrusive on the residential amenities of properties to the east through the reduction in two storey structure on the property boundary and provides a universal access solution by way of a residential lift.
- 7.4.11. I conclude therefore that the proposed development, as amended by the plans submitted with the first party appeal, is appropriate for this infill site, will provide a modern architectural treatment to a town centre site in accordance with objectives SPQHO38, SPQHO39 and SPQHO42 of the Fingal County Development Plan and therefore would not seriously injure the visual amenity of the area.

7.5. Scale and Design

- 7.5.1. An observation on the appeal refers to concerns regarding the scale of the development and the effort by the applicant to maximise the potential of the site. The design is referred to in the grounds of the appeal also, in relation to providing adequate justification for the re-development of this infill site.
- 7.5.2. The Sustainable Residential Development and Compact Settlements Guidelines, referencing The National Planning Framework, refers to the priority for compact growth, including emphasising renewal of existing settlements, rather than continued sprawl, and that this priority recognises the impacts that our dispersed settlement pattern is having on people, the economy and the environment. In particular, it recognises that dispersed settlement patterns create a demand for travel and embed a reliance on carbon intensive private car travel and long commutes that affect quality of life for many citizens; and dispersed growth also accelerates environmental degradation and creates a higher demand for new infrastructure and services in new communities that places a heavy financial burden on the State and results in a constant cycle of infrastructure catch-up. It is therefore considered that maximising the potential of the site is beneficial in the context of revitalising derelict sites and

providing appropriate densities at infill locations. I consider the subject site and proposed development to be well connected to public transport to allow a reduction in car trips, and to represent an appropriate use of an infill, town centre site that both provides an active ground level use, with residential provided above.

- 7.5.3. As demonstrated in the contiguous elevation submitted, the proposed development represents a minor increase in height of 3.5m from the existing building heights immediately adjacent. I do not consider this to be a significant departure from the two storey buildings with pitched roofs in the vicinity. In my opinion both the height and built form as proposed is suitable for the site and accords with the County Development Plan provisions SPQHO38, SPQHO39, SPQHO42 including minimising setback from the street and harmonising with the existing building line and roof profile of adjoining dwellings.
- 7.5.4. The scale and design should therefore not be a reason to refuse or modify the proposed development.

7.6. Parking Provision

- 7.6.1. The observation on the appeal refers to concerns regarding parking and that the proposed development's car parking provision will contribute further to traffic disruption at Howth Road during peak times and should also have been located to the rear of the proposal. It is stated that the proposed parking is also insufficient for the purposes of the proposed development based on car ownership statistics in the area.
- 7.6.2. The applicant has demonstrated that sufficient car parking is provided in line with the Compact Settlement Guidelines, the Apartment Guidelines, and the County Development Plan. Table 14.19 of the Development Plan sets out maximum parking standards for Zone 1 – development within 1600m of an existing DART. Standard requirements are 0.5 spaces per residential unit with no standard provided for comparison retail units.
- 7.6.3. A total of 6no. car parking spaces are proposed- 4no. for the retail unit and 2no. for the residential units. Fingal County Council Roads Department have indicated no objection to the quantum of car parking proposed for the retail unit and the 4no. duplex units. The Roads Department have specified the site entrance and exit

should be reduced in width as much as possible to reduce the overall crossing of the public footpath. A condition in this regard is considered appropriate.

- 7.6.4. The site is approximately 600 metres from Sutton Dart station. The H3 and 6 bus routes also serve Howth Road and Greenfield Road adjacent to the site. Given the accessibility of the subject site from a public transport perspective and the town centre location, I am of the opinion that sufficient car parking is proposed in the subject development. The proposed car parking is appropriately located to the front of the building to allow ease of access and to allow the front building line to correspond with adjoining properties.
- 7.6.5. The car parking used by residents and retail customers will not generate any significant amounts of traffic and is acceptable given the proximity to public transport and the town centre location.

7.7. Underground Tanks

- 7.7.1. The observations on the appeal and the Planning Authority Planners Report on the application raise concerns in relation to the potential for underground tanks associated with the previous use of this site for a petrol filling station.
- 7.7.2. The applicant has stated that a remediation strategy can be provided following site investigation works. I am satisfied the requirement for site investigation and a remediation strategy can be addressed by way of condition and is not a reason to refuse permission.

8.0 AA Screening

- 8.1. The project involves demolition of the existing above ground filling station building and associated structures and for construction of 4no. duplex units.
- 8.2. Having regard to the location of the site, which is an infill brownfield site on serviced land and to the scale and to the nature of the proposed development and the serviced inner urban site location, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects nor would any Appropriate Assessment issues arise on a European site.

9.0 Recommendation

- 9.1.** In accordance with the foregoing, I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

10.0 Reasons and Considerations

- 10.1.** 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 accords 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, would provide future occupants with adequate residential amenities and would, accordingly, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 14th 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>

3.	<p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>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:-</p> <ul style="list-style-type: none"> (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. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>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.</p> <p>Reason: In the interests of protecting the environment.</p>
6.	<p>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.</p>

	<p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
7.	<p>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.</p> <p>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.</p>
8.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>

11.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
13.	<p>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.</p> <p>Reason: In the interests of urban legibility.</p>
14.	<p>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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew McRedmond
Senior Planning Inspector

02nd October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317579-23			
Proposed Development Summary	Demolition of existing structures on site and construction of a three storey development consisting of ground floor retail use with 4no. duple apartments above and all ancillary site works.			
Development Address	Former Sutton Service Station, Howth Road, Sutton, Dublin 13			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10 (b) (i)	Proposed 4 unit development does not meet or	Proceed to Q.4

			exceed 500 dwelling threshold	
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____