



An
Bord
Pleanála

Board Direction
BD-007665-21
ABP-307115-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the site and the pattern of development in the vicinity, to the provisions of the Dublin City Development Plan 2016-2022 including the zoning of the site under objective Z4 for mixed service facilities and the designation of a Key District Centre and an Architectural Conservation Area at Phibsborough, and to the Guidelines for Planning Authorities on Design Standards For New Apartments issued in December 2020 it is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of the safety and the convenience of road users. It would therefore be in keeping 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 information submitted to the planning authority on 12th February 2020, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The parapet wall shown on drawing 1803-ARC-303 Rev AI submitted to the planning authority on 12th February 2020 to the east of the terrace serving apartment unit no. 2 shall provide a full visual screen from that terrace. It shall reach a height of at least 1.8m above the level of the terrace along a length parallel to the entire depth of that terrace.

The eastern part of the elevation facing the North Circular Road at the third floor level shall be set back in the manner shown on drawing 1803-ARC-201 Rev AI submitted to the planning authority on 12th February 2020.

Prior to the commencement of development the development shall submit for the written agreement of the planning authority additional floor plans for the third floor of the proposed development and elevations of its eastern side that are consistent with the drawings submitted to the planning authority as further information.

Reason: In the interests of clarity and orderly development.

3. The materials, colours and external finishes of the proposed building as well as the surface and boundary treatments shall be in accordance with the details submitted with the application, unless others are required to comply with the conditions of this permission or have been agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of bicycle storage for to serve the proposed apartments, offices and café. .

Reason: To facilitate sustainable transport

5. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority final details of measures to protect trees and vegetation in the park adjoining the site and to mitigate any impacts on bats from the clearance of the site.

Reason: To protect the natural heritage of the area.

6. 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.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. 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 the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit, the café and the offices shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan

This plan shall provide details of air handling and extraction for the permitted café and of any ducting or other equipment required in this regard.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. Drainage arrangements including the attenuation and 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 surface water management

10. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0900 and 1300 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. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

13. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

14. 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.

Board Member

Date: 05/03/2021

Paul Hyde