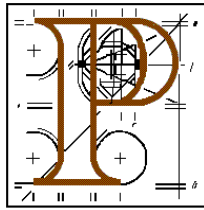


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3287/15

An Bord Pleanála Reference Number: PL 29N.245917

APPEAL by Mel MacGiobúin of 10 Richmond Cottages, Dublin against the decision made on the 24th day of November, 2015 by Dublin City Council to grant subject to conditions a permission to Chartered Land Management and Irish Life Assurance PLC care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Provision of a 372 square metres single storey retail unit at numbers 82 - 85 Moore Street (provided through the amalgamation of the retail existing units and the addition of 70 square metres new floor area through the extension of the building line to the east along Moore Street to incorporate part of the existing covered walkway as internal retail space); the provision of a 326 square metres two-storey café unit (provided through the amalgamation and change of use of the ground floor of Units 46A/B and 46C and the first floor level above Units 46A/B and C and Unit 82 from retail and internet café to café and the addition of 35 square metres new floor area through the extension of the building line to the east along Moore Street to incorporate part of the existing covered walkway as internal floor space); the amalgamation of four number existing retail units at numbers 48 and 49a and Units 49b and 50 to provide two larger retail units measuring 182 square metres (Units 48/49a) and 181 square metres (Unit 49b/50) and provision of associated shopfronts; the provision of a new shopfront at number 47 Moore Mall; the provision of new shopfronts onto Moore Street; the replacement of the existing canopy on Moore Street with a glass canopy; associated ancillary works to the modified units; and all other associated site development works. All at Unit Numbers 47, 48, 49a, 49b and 50 Moore Mall and Unit Numbers 46A/B, 46C and 82 - 85 Moore Street

(including the covered walkway in front of these units), ILAC Shopping Centre, Henry Street/Mary Street, 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.

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 nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would accommodate uses on the site that would be in keeping with its city centre zoning under the Dublin City Development Plan 2011-2017, as well as with that plan's designation of Moore Street as a category 2 shopping street in the retail core of the city. The proposed amalgamation of retail units in a modern building would be in accordance with policies RD12 and RD26 of the development plan. The design of the revised frontage onto Moore Street would be acceptable and would not detract from the historic and architectural character of the street. Furthermore, the proposed development would provide a more consistent building line, which would be in keeping with the guidance set out at section 16.1.3 of the said development plan, and would improve the level of passive supervision and the perceived levels of security along the street without unduly hindering pedestrian movement or the operation of the market stalls there. The proposed development would add to the vitality and viability of Moore Street and 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 5th day of November, 2015, 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 bollards along the public footpath shown on the plans and elevations submitted with the planning application shall be omitted from the permitted development.

Reason: The erection of the proposed bollards would involve works on the public road outside the boundaries of the application site on land which is not in the control of the applicant.

3. The permitted shop in the amalgamated unit numbered 82 - 85 and the permitted café shall have their primary entrances from Moore Street as shown on the plans and elevations submitted with the planning application. The entrances shall be open to customers whenever the café or shop in that premises is open to customers.

Reason: To protect the character and commercial vitality of Moore Street.

4. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Loudspeakers shall not be erected on the exterior of the permitted café or shops, or within the shops so that the sound from them is audible outside the said premises.

Reason: To protect the character and amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site.

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

9. 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.

10. The developer shall pay to the planning authority a financial contribution in respect of Metro North 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.

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

Dated this day of 2016.