



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3916/18

Appeal by Rathdown Road and District Residents Association care of Luke McManus of 94A Upper Grangegorman, Phibsborough, Dublin against the decision made on the 8th day of March, 2019 by Dublin City Council to grant subject to conditions a permission to Lucy Smith care of Plus Architecture Limited of Chancery Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to the previously approved planning permission, planning register reference number 3280/15. The proposed amendments will consist of the removal of the previously permitted seven number car parking spaces at ground level and replacement with an enlarged retail supermarket unit to include retail floor space, food preparation and sales counter, off licence and café unit within the unit, with seating provided in the external plaza (for daytime use only). Associated retail waste handling and storage is to be provided at ground level. The application will reorganise the residential permitted bin stores and bicycle parking at ground level. The total gross retail floor area of the approved planning permission was 136 square metres and the proposed amendment total gross retail floor area is 283.5

square metres. All at 232, North Circular Road, / 85 Grangegorman Upper, Dublin (protected structure).

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 provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety and would 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 12th day of February, 2019, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 25th day of May, 2016 under planning register reference number 3280/15, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed part off-licence use shall be omitted from the ground floor retail unit.

Reason: In order to ensure compliance with the land use zoning objective that applies to the site.

4. Provision shall be made for a loading area within the site, as indicated on item 13 of the Legend appended to the Landscape Masterplan (drawing number 215_WS_15_00_01) submitted to the planning authority on the 12th day of February, 2019. The loading area shall only be used between the hours of 0700 to 1000 and it shall not be used by heavy goods vehicles at any time. Details of this provision, including swept manoeuvring paths and measures to prevent parking and bay dimensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.

5. The developer shall implement the measures outlined in the Residential Travel Plan submitted to the planning authority on the 12th day of February, 2019.

Reason: In the interest of encouraging the use of sustainable modes of transport.

6. Details of all external shopfronts and signage for the ground floor retail unit shall be the subject of a separate planning application.

Reason: In the interest of visual amenity.

7. 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 the 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.

8. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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 the 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.

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

Dated this day of 2019.