



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3964/19

Appeal by Eoin and Breda Shalloo of 2 Goldsmith Street, Phibsborough, Dublin against the decision made on the 10th day of March, 2020 by Dublin City Council to grant subject to conditions a permission to Gillian Brady, Liam McInerney and St. John Walsh of 24 Gray Square, The Coombe, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Planning permission for a development consisting of the demolition of the existing derelict structures on the site and the construction of a two to four-storey over basement mixed-use building, accessed via a pedestrian entrance on the North Circular Road, to include five number residential units (three number three bedroom, one number two bedroom and one number studio), with roof-terraces, inset-balcony and garden space, two commercial units, 16 number bicycle parking spaces at ground and lower-ground levels and associated site works, all at 378A North Circular Road, Phibsborough, 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 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 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and the convenience of road users. 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 submitted to the planning authority on the 12th day of 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 and the development shall be carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity

2. The parapet wall shown on drawing number 1803-ARC-303 Rev AI submitted to the planning authority on the 12th day of February, 2020 to the east of the terrace serving apartment unit number 2 shall provide a full visual screen from that terrace. It shall reach a height of at least 1.8 metres 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 number 1803-ARC-201 Rev AI submitted to the planning authority on the 12th day of February, 2020.

Prior to the commencement of development, revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority.

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 otherwise required to comply with the conditions of this permission or 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 to, and agree in writing with, the planning authority details of bicycle storage to serve the proposed apartments, offices and café.

Reason: In the interest of sustainable transport.

5. Prior to the commencement of development, the developer shall submit to, and agree in writing with, 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 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.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021.