

An
Coimisiún
Pleanála

**Commission Order
ACP-323543-25**

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2447/24

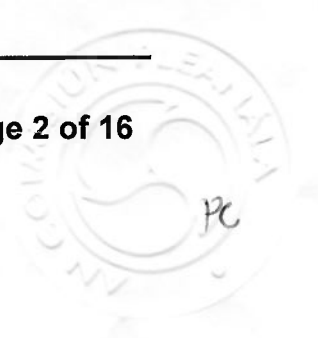
Appeal by Sean Kenna against the decision made on the 8th day of August, 2025 by Dublin City Council to grant subject to conditions a permission to Amberground Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of part one, part two-storey detached former licenced public house (950 square metres), construction of a four-storey building (total gross floor area of 2,082 square metres) comprising a licensed supermarket of 475 square metres at ground floor with 18 number apartments (13 number one-bed units and five number two-bed units with balconies or terraces on the north and south elevations). The development will also consist of private communal open landscaped space at first floor level podium over the extended ground floor retail area (320 square metres), circulation spaces, ESB substation and switch room, plant room, waste

storage areas, bicycle, cargo bike and motorbike parking, six number resident car parking spaces at the rear accessed via the laneway, sustainable urban drainage systems (including attenuation tank and green roof), boundary treatments, including the provision of a replacement rear gate, associated hard and soft landscaping, all other associated site excavation, infrastructural and site development works above and below ground, including changes in level, and associated site servicing (foul and surface water drainage and water supply). The development will also consist of alterations to the layout of the unnamed laneway to the rear and west, including the removal of the existing gate at the entrance, revision to surface layout and road markings. Access to the scheme will be via Faussagh Avenue and the unnamed laneway to the rear, all on a circa 0.16-hectare site at 62-66 Faussagh Avenue, Cabra, 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.



Reasons and Considerations

Having regard to the 'Z3' Neighbourhood Centre zoning of the site, the policies and objectives set out in the Dublin City Development Plan 2022-2028, the pattern of development along Faussagh Avenue and the surrounding area, and the national, regional and local policy which seeks to foster compact growth in existing urban areas, it is considered that, subject to compliance with the conditions set out below, the proposed development, which would intensify the use of this centrally located site, and would contribute to the provision of retail and residential units within the neighbourhood centre, would be in accordance with the zoning objective of the site, would be an appropriate design response in terms of scale, massing, and height of the proposed mixed-use development, within a neighbourhood centre, would be in accordance with the development plan objectives in relation to neighbourhood centres QHSN12, would positively enhance the area, and would not significantly detract from the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 the planning authority on the 14th day of July, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The perimeter screen/walls to the communal open space shall be 1.6 metres in height.
- (b) The rear/northern balconies and patios shall have opaque glazed sides.

Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the recessed balcony screening/privacy treatment to the front of the proposed development.

Reason: In the interest of residential amenity.

3. (a) The proposed development's primary elevational finishes shall be in brick, which shall match the traditional finishes to the shopping parade as close as possible in terms of colour and texture.
- (b) The inside walls of the recessed balconies shall be finished in brick.

Prior to commencement of development, details of the materials, colours and textures of all external finishes, including samples, for the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant, other than those shown on the drawings hereby approved.

Reason: In the interest of visual and residential amenity.

5. The amended landscaping scheme received by the planning authority on the 14th day of July, 2025 shall be implemented in the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

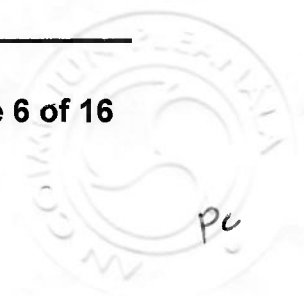
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, details of the surface water attenuation and disposal arrangements, including any SUDS measures, shall be submitted to the planning authority for written agreement.

Reason: To ensure a satisfactory standard of development and in the interest of public health and surface water management.

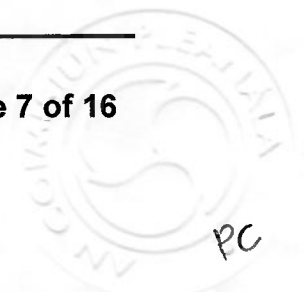
8. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include the following:

- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
- (b) The location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.



- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate the queuing of construction traffic on the adjoining road network.
- (g) Swept path analysis of construction access and demonstration that unobstructed use of the private access road along the eastern site boundary is maintained at all times during construction works.
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.

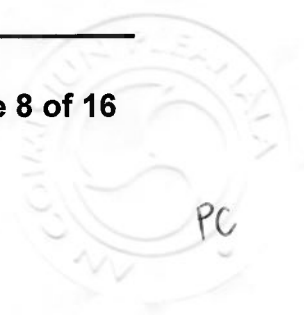
Reason: In the interest of amenities, public health and safety and environmental protection.



10. Prior to commencement of development the following details shall be submitted to, and agreed in writing with, the planning authority:

- (a) Full details of all potential changes to the public road and laneway. Prior to submission, the developer shall liaise with the Environment and Transportation Department of the planning authority to ascertain its requirements in relation to the provision of a loading bay and line marking changes along Fassaugh Avenue. Any works to the public road considered acceptable to the planning authority shall be carried out at the developer's expense.
- (b) Contracts for sale/rent/lease of the proposed apartments shall make it clear to prospective tenants that the apartments will not have dedicated car parking on site.
- (c) The proposed bicycle parking spaces shall be in situ prior to the occupation of the proposed development.
- (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the proposed development, shall be at the expense of the developer.
- (e) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of orderly development, traffic and pedestrian safety and provision of sustainable mobility infrastructure.

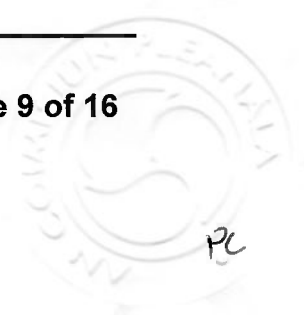


11. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours 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 agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.



13. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

14. Proposals for the name of the development, and numbering scheme, and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, commercial units and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new developments.

15. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation.

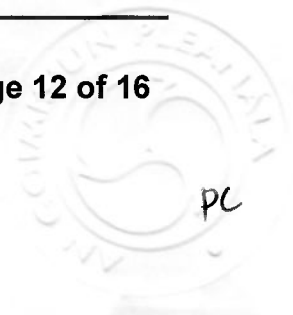
Reason: To provide for the future maintenance of the development in the interest of residential amenity and orderly development.

16. Details of the proposed cycle parking to serve the proposed supermarket shall be agreed in writing prior to commencement of development.

Reason: In the interest of sustainable development.

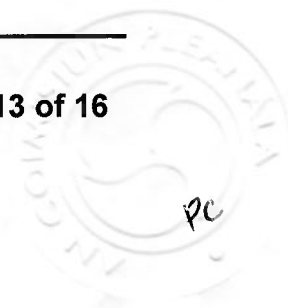
17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.



18. 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 re-instatement, or completion and maintenance until taken in charge by the planning authority or a management company, of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

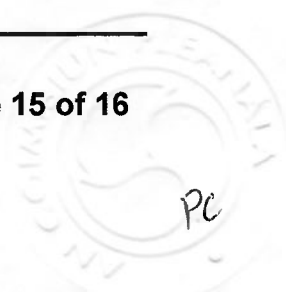
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.



19. 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 Coimisiún 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.

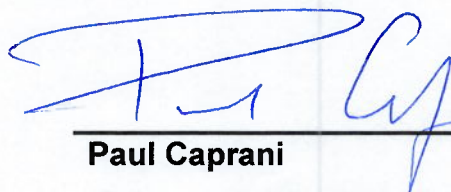
20. The developer shall pay to the planning authority a financial contribution of €5,000 (five thousand euro) per residential unit as a contribution in lieu of the public open space requirement in respect of public open space benefitting the proposed development in the area of the planning authority that is provided or intended to be provided by or on behalf of the planning authority in accordance with the terms of the adopted 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 indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



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



Paul Caprani

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 20th day of July 2026.