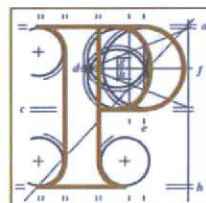


Our Case Number: ABP-315984-23

Planning Authority Reference Number: 4145/22



**An
Bord
Pleanála**

Dublin City Council North
Planning & Development
Civic Offices
Block 4, Floor 3
Wood Quay
Dublin 8



Date: 08 March 2023

Re: Construction of 80 apartments, 2 retail units, a coffee shop and all associated site works and services. Demolition of existing buildings with the exception of 168 Phibsborough Road 'Former Des Kelly Site' s site of 0.262Ha. bounded by 364-374 North Circular Road, Royal Canal Bank, and 168-169 Phibsborough Road, Dublin 7

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In

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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

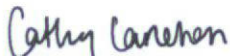
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-315984-23) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,



Cathy Carleton
Administrative Assistant
Direct Line: 01-8737203

BP07

Teil
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Facs
Láithreán Gréasáin
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D01 V902

64 Marlborough Street
Dublin 1
D01 V902

R. C. Design Services Limited

Architects Engineers Project Managers

Design Studio,
Old Castle View,
Kilgobbin Road,
Dublin 18.Telephone 01- 2161565
Fax line 01- 2161563
E-Mail robbie@rcdesign.ie

AN BORD PLEANÁLA	
LDG-	061663-23
ABP-	
07 MAR 2023	
Fee: €	220
Type:	cheque
By:	hand

An Bord Pleanála,
64 Marlborough St,
Rotunda,
Dublin 1,
D01 V9026th March 2022**Description :**

28 no. car parking spaces (13 spaces for retail, 13 spaces for residential and 2 club car spaces (2 spaces of the allocation will be e-charging), 186 no. cycle spaces and bin stores and collection areas at lower ground level, 2 no. retail units with a total of 1,950 sq. m at ground floor level, coffee shop of 40 sq. m. facing Royal Canal Bank at lower ground level, 80 no. apartments (19 studios, 19 one bed, 41 two bed and 1 three bedroom apartments) overhead in upper floor development. With the exception of no. 168 Phibsborough Road, which is to be retained, the application proposes to demolish all the existing buildings on the site. The new buildings to North Circular Road shall be 6 storey in height (ground floor retail with apartments on upper floor) with an 8 storey apartment building at the corner of North Circular Road and Royal Canal bank with an 8 storey section above park level are proposed. Within, the site, the apartment buildings will surround a central amenity open space for residents. It is proposed to demolish 169 Phibsborough Road and replace with a three storey building with vehicular entrance at ground floor level giving access to lower ground level parking and services. PV panels on the roof and c. 975 sq. m green roofs to be incorporated. A substation is also proposed together with all ancillary services.

Applicant :

Garvagh Homes Ltd.

Planning**Reg. Reference:**

4145/22

Site Location:

'Former Des Kelly Site' s site of 0.262Ha. bounded by 364-374 North Circular Road, Royal Canal Bank, and 168-169 Phibsborough Road, Dublin 7

**Agent Name
(Company)**

Tony Manahan, Manahan Planners

Registered Date

3rd June 2022

Fees Payable to An Bord Pleanála:

Third Party € 220.00

Zoning Zoning In the 2016 – 2022 Dublin City Development Plan the site is zoned Z4: "To provide for and improve mixed service facilities". The site is located within the **Phibsborough Centre Architectural Conservation Area (ACA)**. Phibsborough is identified as a Key District Centre within which there are general development principles such as "Commercial/Retail – creation of a vibrant retail and commercial core with animated streetscapes." A Local Area Plan existed for the area in 2008 which was proposed to be replaced by an updated plan in 2015 to guide development in the area up to 2021, however the revised plan was abandoned following a meeting of Councillors in December 2015.

Our Client Mr. Jimmy Wiley,

Address The Old Bank building formerly known as
The Munster and Leinster Bank,
163-164, Phibsborough Road,
362 North Circular Road,
Dublin 7.

Dear Sir / Madam,

We would like to make the following objections on behalf of our client. In respect of the above planning application Reg ref No. 4145/22 , and enclose here with a cheque made payable to An Bord Pleanála for € 220.00

On behalf of our client, Mr. Jimmy Wiley, the property owner of the Old Bank building formerly known as the Munster and Leinster Bank, 163-164, Phibsborough Road, 362 North Circular Road, Dublin 7. The proposed development would be located to the rear and side of the former bank building which is situated within an architectural Conservation Area. The building in the ownership of our client is a protected structure.

The site notice and Newspaper advert did not reflect that the development is within an Architectural Conservation Area (ACA).

The site notice and Newspaper advert did not state that the proposed development is adjacent to the curtilage of a protected structure, 163-164 Phibsborough Road & 362 North Circular Road, Dublin 7, listed as a Protected structure in Dublin City Councils Development plan 2016-2022 record of protected Structure Reference No: 6736

This location has 4 significant protected structures and the impact of the 8 storey development on these structures is clearly significant and their importance as 'identifiable landmarks' is diminished.

The fact the proposed 8 storey apartment tower is so much higher than these protected structures would have a negative impact on the built heritage of the area.

The proposed development, by reason of its overall scale, height, bulk and massing will be visually intrusive and overbearing when viewed on approach from the east along the North Circular Road and from the south along Phibsborough Road. The excessive height and architectural quality together with the material selection and fenestration pattern of the proposed building will likely impact adversely on the character of the surrounding Phibsborough Architectural Conservation Area and fails to provide an adequate design response necessitated by this prominent location, contrary to Policy CHC5 of Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area. The proposed development is therefore contrary to Specific Planning Policy Requirement 3 of the Urban Development and Building Height Guidelines for Planning Authorities 2018 as the application fails to demonstrate satisfactory compliance with the criteria set out in Section 3.2 to justify the proposed height of the development.

The proposed development, by reason of its overall scale, height, bulk will impact on adjoining properties in respect of their daylight /sunlight accessibility this development is likely to seriously injure the residential amenities of adjoining properties and no consideration was given for existing windows on this planning submission and is contrary to the proper planning and sustainable development of the area.

A letter of consent has not been obtained by the applicant for use of the private lane. This brings into question the validity of the application. The applicant is proposing to carry out works to property which is not in the ownership of the applicant. There is a lack of information regarding the works that are proposed outside of the application boundary.

No prior discussions were undertaken with the applicant and our client (the adjacent/adjoining land owner) with regards to items 10 and 15 shown on drawing No. P03_07. on the proposed Section B-B. Item 15 was introduced within the Further Information submission.

A method statement is required from the Applicant to demonstrate how he is going to carry out the following on lands not in his ownership.

1. (Item 10) Apply the select white render to the boundary wall on the private lane face.
2. (Item 15) The mounting of a PPC black / grey metal louvres on the boundary wall on the private lane face in the ownership of our client, the approximate size of the metal louvre is 2.5m x 2.5m. The drawings submitted are unclear to its function.

We ask An Bord Pleanála to request the removal of this unsightly metal louvre structure.

We have concerns when the proposed Basement level is been constructed that the coach house a protected structure to the rear of our client's property will be left vulnerable and exposed during and after the construction programme.

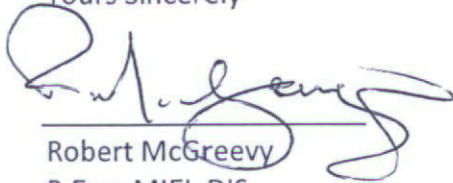
For the duration of the construction of this development, there will be massive disruption to both traffic and the lives of adjacent homes and businesses.

We ask the Bord to consider our genuine concerns in relation to the proposed development when arriving at its decision.

Should you have any queries regarding the above, please do not hesitate to contact the undersigned.

With kind regards,

Yours Sincerely

A handwritten signature in dark ink, appearing to read 'R. McGreevy', written over a horizontal line.

Robert McGreevy
B.Eng. MIEI DIS



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288

E. planningsubmissions@dublincity.ie

Mr Robert McGreevey C/O R.C. Design
Services Limited
R.C. Design Services Limited
Design Studio
Old Castle View
Kilgobbin Road
Dublin 18

IMPORTANT: Please retain this letter. You will be required to produce it should you wish to appeal the decision issued by the Planning Authority to An Bord Pleanála in relation to this development

PLAN NO.	4145/22
DATE RECEIVED:	03-Jun-2022
LOCATION :	'Former Des Kelly Site' s site of 0.262Ha. bounded by 364-374 North Circular Road,Royal Canal Bank,and 168-169 Phibsborough Road,Dublin 7
PROPOSAL :	The development will consist of 28 no. car parking spaces (13 spaces for retail,13 spaces for residential and 2 club car spaces (2 spaces of the allocation will be e-charging),186 no. cycle spaces and bin stores and collection areas at lower ground level,2 no. retail units with a total of 1,950 sq. m at ground floor level,coffee shop of 40 sq. m. facing Royal Canal Bank at lower ground level,80 no. apartments (19 studios,19 one bed,41 two bed and 1 three bedroom apartments) overhead in upper floor development. With the exception of no. 168 Phibsborough Road,which is to be retained,the application proposes to demolish all the existing buildings on the site. The new buildings to North Circular Road shall be 6 storey in height (ground floor retail with apartments on upper floor) with an 8 storey apartment building at the corner of North Circular Road and Royal Canal bank with an 8 storey section above park level are proposed. Within,the site,the apartment buildings will surround a central amenity open space for residents. It is proposed to demolish 169 Phibsborough Road ad replace with a three storey building with vehicular entrance at ground floor level giving access to lower ground level parking and services. PV panels on the roof and c. 975 sq. m green roofs to be incorporated. A substation is also proposed together with all ancillary services.

Note: Submissions/Observations may be made on line at:

<https://www.dublincity.ie/residential/planning/planning-applications/object-or-support-planning-application>

Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8, Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

01 222 2222 W. www.dublincity.ie



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288

E. planningsubmissions@dublincity.ie

To Whom It May Concern,

The Planning Authority wishes to acknowledge receipt of your **submission/observation** in connection with the above planning application. It should be noted that the Dublin City Council as the Planning Authority will consider this application strictly in accordance with the provisions of the Dublin City Development Plan. The contents of your submission/observation will be considered by the **Case Officer** during the assessment of the above application, and you will be notified of the decision in due course.

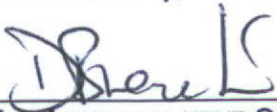
- All queries should be submitted to the e mail address shown above.
- Please note that a request for Further Information or Clarification of Further information is not a decision.
- **You will not be notified**, if Further Information or Clarification of Further information is requested by the Planning Authority.

Please also note that a weekly list of current planning applications and decisions is available for inspection at the planning public counter.

Opening Hours 9 a.m. - 4.30 p.m. Monday to Friday (inclusive of lunchtime)

A weekly list of planning applications and decisions is available for inspection at all Dublin City Council Libraries & on **Dublin City Council's website**. www.dublincity.ie.

Yours faithfully,


FOR ADMINISTRATIVE OFFICER

AN BORD PLEANÁLA	
07 MAR 2023	
LT/DATED	FROM
LDG-	
APP-	