

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2018

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D17A/0907**

An Bord Pleanála Reference Number: ABP-300650-18

**APPEAL** by Michael Tunney care of O'Connor Whelan Limited of 222-224 Harold's Cross Road, Dublin against the decision made on the 6<sup>th</sup> day of December, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**PROPOSED DEVELOPMENT:** A residential apartment development (with access off Convent Lane to rear) comprising (a) construction of four number two-bed dual aspect duplex apartments at first floor and second floor levels above existing retail units, with balconies/private open spaces at first and second floor levels and shared access podium courtyard at first floor level, (b) alterations to the layout and to the shopfront of the existing retail unit to the rear at Convent Lane and to the existing office suite at first floor level (accessed off George's Street Lower), (c) new shared access pedestrian and bicycle entrance off Convent Lane, (d) part change of use of first floor from offices to residential, and (e) all associated construction and site works at 57 and 58 George's Street Lower, Dún Laoghaire, County Dublin.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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**

The proposed development is located in an area zoned for major town centre uses in the Dún Laoghaire-Rathdown County Development Plan 2016 to 2022 where the objective is to protect, provide for and/or improve major town centre facilities, and where residential, office and retail uses are permitted. It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenity of the area, would not give rise to traffic hazard or congestion and would be in accordance with the zoning objective for the area as set out in the development plan. 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, 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 proposed development shall be amended as follows:
  - (a) Use for the first floor of the development facing Georges Street shall be limited to Office use as set out in Class 3 of Part 4 of the Second Schedule to the Planning and Development Regulations 2001.
  - (b) The two number windows to the rear of the proposed office shall be entirely glazed in opaque glass.

**Reason:** In the interest of residential amenity.

3. Water supply and drainage arrangements, including attenuation and the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

6. 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.

7. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in

particular recyclable materials, in the interest of protecting the environment.

8. Proposals for a name and 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 and 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(s).

**Reason:** In the interest of urban legibility.

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.

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

**Dated this            day of            2018.**