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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D20A/0085.**

**Appeal** by Cumberland Developments Limited care of Brook McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 26<sup>th</sup> day of March, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of an existing two-storey building (approximately 480 square metres gross floor area) and replacement with a five-storey aparthotel development of approximately 1,931 square metres (gross floor area) consisting of 45 suites and ancillary amenities. Ground floor level includes; reception, bike store and lobby area, café (approximately 124 square metres) and covered external seating area, two number WCs, kitchen (approximately 48 square metres), refuse area (approximately nine square metres), substation (approximately 14 square metres), switch room (approximately 10 square metres) and hotel plant room (approximately 57 square metres). 13 number suites at first, second and third floor levels comprising of 10 number studios, one number accessible studio, one number one bed suite and one number two bed suite at each floor level. The fourth floor level will consist of six number suites including two number studios, three

number one bed and one number two bed suites, a swimming pool (approximately 30 square metres), lounge and café/bar area (approximately 65 square metres), and plant rooms (approximately 28 square metres). Primary entrances to the aparthotel and café are proposed off Northumberland Avenue with ancillary side entrance to refuse and service areas off Lee's Lane. The development will include a sedum roof (approximately 280 square metres) at roof level consisting of attenuation measures and connections to existing services and all associated site development works. The development will also include proposed public realm upgrades to Northumberland Avenue and Lee's Lane including improvements to the public pavement, all at 1 Northumberland Avenue, (with frontage of Lee's Lane), Dún Laoghaire, County 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the nature and scale of the proposed development, and to the MTC zoning objective and the provisions of the Dún Laoghaire Urban Framework Plan, 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 and would be acceptable in terms of traffic safety and convenience. 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 received by An Bord Pleanála on the 5<sup>th</sup> day of June, 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed use of the development is as an aparthotel only. Aparthotel units shall not be used for the purposes of providing student accommodation. Planning permission will be required for the change of use from commercial short-term accommodation to residential.

**Reason:** In the interest of orderly development.

3. Water supply and 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.

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 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.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

7. The construction of the 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 provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

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, 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.

9. (a) The cycle parking provided shall be fully accessible and easy to use. Cycle parking to development plan standards shall be provided at the development, the facilities shall be conveniently located, secure, easy to use, and adequately lit. Prior to commencement of development, revised plans showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority.

- (b) A project traffic management plan for all stages of construction traffic shall be agreed in writing with the planning authority before demolition and excavation commences. The plan shall detail access arrangements for labour, plant and materials and shall indicate the locations of plant and machine compounds.
- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In order to ensure a satisfactory standard of development and in the interests of traffic safety and sustainable transportation.

10. 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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**Paul Hyde**

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

**Dated this            day of            2020.**