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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: D20A/0582**

**Appeal** by Cumberland Developments Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 13<sup>th</sup> day of October 2020 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

**Proposed Development:** The development will consist of the demolition of an existing two storey building (approximately 480 square metres gross floor area) and replacement with a two to four storey residential development consisting of 14 number residential units incorporating 10 number one-bed units, three number two-bed units and one number three-bed unit. Each unit will have private open space in the form of individual balconies and will have access to a screened communal open space area (approximately 81 square metres) at second floor level. Primary entrances to the development and access to service areas is proposed from Lee's Lane. The loading bay at Lee's Lane directly abutting the existing building will be removed to facilitate access to the proposed development. Bin (approximately 5 square metres) and cycle (approx. 11.9 sqm) stores are provided at ground floor level. 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 at 1 Northumberland Avenue (with frontage to 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 location of the site in an area zoned for major town centre development in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 where residential and retail uses are permitted in principle, to the existing retail use on site, and the mass, scale and height of the proposed development, it is considered that the proposed development would not detract from the visual or residential amenity of the area, would not give rise to traffic hazard and would be in accordance with the current 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, as amended by the further plans and particulars received by An Bord Pleanála on the 9<sup>th</sup> day of November 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. This permission refers to 'Option 1' received by An Bord Pleanála on the 9<sup>th</sup> day of November 2020 providing for a four storey building comprising 12 number apartments with a retail use at ground floor as shown on drawings numbers 2020-24-ABP-101 and 2020-24-ABP-102.

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

3. The bin storage area accessible externally from Lees Lane shall be also accessible internally from within the building. This arrangement shall be submitted to, and agreed with, the planning authority prior to commencement of development.

**Reason:** To facilitate waste management in the interest of residential amenity.

4. 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 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.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. 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.

8. Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

9. Proposals for a building name and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. No external security shutters shall be erected on the premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. Details of all external shopfronts and signage shall be the subject of a separate planning application.

**Reason:** In the interest of the amenities of the area and visual amenity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

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.

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**Paul Hyde**

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

**Dated this            day of            2021**