



An  
Bord  
Pleanála

## Board Order ABP-320227-24

### Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0003

**Appeal** by Siobhra Hooper of 97 Upper George's Street, Dún Laoghaire, County Dublin against the decision made on the 25<sup>th</sup> day of June, 2024 by Dún Laoghaire-Rathdown County Council to grant permission, subject to conditions, to Gary Tynan care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Partial demolition of existing non-original modern office extension to the rear of number 95 George's Street Upper (Protected Structure RPS Number 862) and the corner of Haigh Terrace; (ii) minor works to the rear exterior wall of number 95 George's Street Upper to provide for the reopening of one number window, creation of ope for one number door and provision of balcony to serve upper ground floor unit; (iii) construction of a three-storey mixed-use development with fourth storey stepped back to the rear of number 95 George's Street Upper comprising one number commercial unit, bicycle/bin storage and one number parking space at ground floor level and five number residential units (five number one-bedroom units) across first, second and third floors. Each apartment unit will be provided with private amenity space in the form of a balcony/terrace/Juliet balcony space facing onto Haigh Terrace; (iv) all associated site and infrastructural works,

including foul and surface water drainage, landscaping, plant areas, lighting, foul/surface drainage and signage necessary to facilitate the development; all at number 95 George's Street Upper and the corner of Haigh Terrace, Dún Laoghaire, County Dublin (Protected Structure RPS Number 862), as amended by the further public notice received by the planning authority on the 31<sup>st</sup> day of May, 2024.

## **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 location of the application site in an area zoned for major town centre development in the Dún Laoghaire Rathdown County Development Plan 2022-2028 where residential and retail uses are permitted in principle, to the existing retail use on site and to the mass, scale and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable design at this location and provide an acceptable level of residential amenity for future residents, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and would, therefore, be in accordance with the Dún Laoghaire Rathdown County Development Plan 2022-2028 and 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 the planning authority on the 31<sup>st</sup> day of May 2024, 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 glazing within the south facing bedroom window of unit H4 and the north facing bathroom window of Unit 1 at Level 1 shall be manufactured opaque or frosted glass and shall be permanently maintained to the satisfaction of the planning authority. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. 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.

4. 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.

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

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

6. Prior to the commencement on any work on site, the developer shall remove and relocate the existing on-street cycle parking on Haigh Terrace to an agreed revised location to the satisfaction of the planning authority. Cycle parking within the proposed development shall be provided in accordance with the requirements of the planning authority.

**Reason:** In the interest of sustainable transportation.

7. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

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. A plan containing details for the management of waste 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.

11. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, pest control measures and off-site disposal of construction/demolition waste. The plan shall include details of the appointment of a Liaison Officer to act as a single point of contact to engage with the local community and respond to concerns.

**Reason:** In the interest of public safety and amenity.

13. Prior to the commencement of development, the developer or any agent acting on its behalf, 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 the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the 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 proper planning and sustainable development.

14. Site development and building works shall be carried only out 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 agreement has been received from the planning authority.

**Reason:** To safeguard the amenities of property in the vicinity.

15. 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.

16. 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.

17. 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 completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 Bord Pleanála for determination.

**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.

*Mary Gurrie*

Mary Gurrie

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this *17* day of *April*

2025