



An
Coimisiún
Pleanála

Commission Order
ABP-321765-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire Rathdown County Council

Planning Register Reference Number: D24A/0484/WEB

Appeal by RF Management care of Diarmuid Ó Gráda Planning Consultants, 16 Louvain, Roebuck Road, Dublin against the decision made on the 20th day of January 2025 by Dún Laoghaire Rathdown County Council to grant, subject to conditions, a permission to Ted Living Limited care of Brock McClure Consultants, 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the construction of a new five-eight storey development in two number Blocks (Block 1 and Block 2) and the change of use and refurbishment of existing three-storey (over adjacent basement level) 'Dun Leary House' (a protected structure) to provide for 88 no. residential units (26 number one-bed units; 37 number two-bed units; 24 number three-bed units; and one number four-bed detached house), residential amenity space at ground and first floor level (approximately 132 square metres) addressing the internal courtyard and upper terrace; one number retail unit (approximately 108.5 square metres) with associated outdoor seating area at ground floor level addressing Old Dun Leary Road and Cumberland Street; and a public art display area (approximately 12

square metres) at ground floor level addressing Old Dun Leary Road.

Block 1 comprises 79 number residential units (26 number one-bed units, 35 number two-bed units and 18 number three-bed units) with an overall height ranging from six to eight storeys (with setbacks at sixth and seventh floor levels) addressing Old Dun Leary Road and five to eight storeys (with set back at seventh floor level) addressing Cumberland Street.

Block 2 comprises eight number residential units (two number two-bed units and six number three-bed units) with an overall height ranging from four to five storeys (with set back at fourth floor level) addressing Dun Leary Hill. The proposal provides for two number communal open spaces in the form a ground floor level courtyard area which includes a lawn space, bee hives, pétanque court, kitchen, social area and seating and a first floor level terrace which provides for seating areas. Private open space is delivered in the form of balconies / terraces throughout the residential element of the development. Significant Public Realm improvements are also delivered and include the provision of footpath upgrades, a signalised junction on Old Dun Leary Road and Cumberland Street (including pedestrian crossings on all arms), landscaping, bicycle and car parking spaces on Cumberland Street and new public lighting. Proposed works to 'Dun Leary House' (a Protected Structure) will include the change of use and refurbishment of an existing three-storey building (over adjacent basement level) from office/residential use to one number four-bed residential detached house (approximately 432.9 square metres) at lower ground floor level (level 01), ground floor level (level 02) and first floor level (level 03). Works will include (a) the demolition of the late-twentieth century extension to the north of the house including the lean-to glazed staircase annex, demolition of the adjacent basement structure and part of the internal structure to the north east of the house (approximately 284.8 square metres); (b) the refurbishment and internal / external alteration to the late-twentieth century north-east extension; (c) the blocking up of an existing window opening and the creation of a new window opening on the east façade at lower ground floor level; (d) the reinstatement of previously blocked door opening to the south porch (onto Dun Leary Hill); (e) the creation

of a new opening on the north side of a vaulted area under the west entrance steps; (f) the demolition of some existing internal partitions and the construction of new partition walls at lower ground floor, ground floor and first floor levels; (g) the creation of a new door opening through a masonry wall between the nineteenth century house and late-twentieth century north-east extension; (h) the replacement of modern aluminium frame casement windows with replica timber sash windows; (i) the reinstatement of a timber staircase within the interior of the nineteenth century house; and (j) the conservation-led repairs to the roof, rainwater goods, external facades, boundary walls and railings of 'Dun Leary House'. The development shall also provide for: The demolition of the existing open fronted shed (approximately 367 square metres) located at the north eastern corner of the site together with all associated internal site walls and ancillary structures on site; A main entrance reception including residential amenities area (approximately 105 square metres) and maintenance room (approximately 8.2 square metres) at first floor level and a secondary entrance at ground floor level (approximately 27 square metres); two number bin stores (retail and residential stores), three number bulk storage areas, maintenance zone and plant room, ESB substation, switch room and all ancillary areas at ground floor level; 25 number car parking spaces in total as follows - 17 number car parking spaces provided at ground floor level (in curtilage) including three number electric vehicle spaces and one number disabled space; the removal of 11 number existing on street car parking spaces at Cumberland Street with provision made for eight number new on street car parking spaces; 242 number bicycle parking spaces (28 number visitor bicycle spaces, 208 number resident bicycle spaces, four number cargo bicycle spaces and two number bicycle spaces for Dun Leary House); one number motorcycle parking space; one number new vehicular entrance and pedestrian / cycle entrance via Old Dun Leary Road at ground floor level, one number pedestrian / cycle entrance via Cumberland Street at an existing entrance at first floor level and three number new residential entrances (two number for Dun Leary House and one number for Block 2) via Cumberland Street and Old Dun Leary Hill at

second floor level; All other site development and infrastructure works including water, foul and surface water drainage and all associated connections (including the diversion of an existing sewer at Cumberland Street); underground attenuation and associated underground pump station; all landscaping and boundary treatment works; green roofs; 10 number solar panels at roof level; and all associated site clearance, excavation and development works, on a site of approximately 0.74 hectares at the former Ted Castles Site and Dun Leary House (a Protected Structure), Old Dun Leary Road, Cumberland Street, Longford Place and Dun Leary Hill, Dun Laoghaire, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 17th day of December 2024, reducing the number of apartments to 84 number.

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 following:

- (a) the location of the site in the established urban neighbourhood of Dún Laoghaire-Rathdown which is zoned Objective NC in the Dún Laoghaire-Rathdown Development Plan 2022-2028 which seeks to "to protect, provide for and or improve mixed-use neighbourhood centre facilities" and where residential and retail development is a permitted use;

- (b) the policies and objectives of the Dún Laoghaire-Rathdown Development Plan 2022-2028 including the criteria set out in Table 5.1 as contained in Section.5 of the development plan and also Appendix 5 Building Heights Strategy of the development plan;
- (c) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021);
- (d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024;
- (e) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018;
- (f) Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018;
- (g) Design Manual for Urban Roads and Streets (DMURS) (2019);
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) the Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November, 2009 (including the associated Technical Appendices);

- (j) the targets and objectives of the National Biodiversity Action Plan (NBPA) 2023-2030;
- (k) the Climate Action Plan 2024 and 2025;
- (l) the nature, scale and design of the proposed development;
- (m) the availability in the area of a wide range of social, community, transport and water services infrastructure;
- (n) the pattern of existing and permitted development in the area;
- (o) the submissions and observations received in connection with the planning application and the appeal, and
- (p) the report and recommendation of the Planning Inspector.

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 or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would not impact negatively on Dunleary House, a Protected Structure and would be acceptable in terms of traffic and pedestrian safety. 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 in accordance with the plans and particulars lodged with the application as revised by the further plans and particulars received by the planning authority on the 12th day of December 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. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority prior:
 - (a) Floorplan and Elevation drawings showing the relocation of the in-curtilage accessible car parking space in lieu of two number standard car parking space and resulting increase in floorspace and shopfront glazing/fenestration to Retail Unit B.
 - (b) Floorplan and Elevation drawings showing the inclusion of a projecting, angled (south facing) window to Bedroom 'L' in Unit A-6-8 at 6th floor level of Block 1.

Reason: In the interests of the proper planning and sustainable development of the area.

3. All works to Dun Leary House are to be carried out under the professional supervision of an appropriately qualified architect with specialised conservation expertise who shall manage, monitor and implement the works and to certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Prior to the commencement of development on Dun Leary House, a Protected Structure, the developer shall submit the following for written agreement with the planning authority (Conservation Officer):

- (a) Revised proposals which will allow for the retention in situ of the original timber panelled door and leaded glass overlight on the West Elevation.
- (b) Detailed drawings of the proposed new timber staircase and balustrade design.
- (c) Detailed method statement covering all works proposed to be carried out to the interior and exterior including a full specification, including details of materials and methods, to ensure the development is carried out in accordance with good conservation practice.

Reason: In order to safeguard the special architectural or historical interest of the building.

4. 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: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

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

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, and for the benefit of the occupants of the proposed dwellings.

10. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of residential amenities, public health and safety, and environmental protection.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

12. 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 interests of reducing waste and encouraging recycling.

14. 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 interests of sustainable transport and safety.

15. The developer shall ensure that all proposed works, both on the public road and within the site (including, but not limited to, road carriageways, kerbs (which must be insitu), footpaths, street lighting, signs) are designed and constructed, at the developer's own expense, to meet Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge Development Standards Guidance Document' (June 2022) requirements and 'Taking In Charge Policy Document (May 2022)': and all to the satisfaction of the planning authority (Municipal Services Department).

Reason: In the interests of the sustainable development of the area.

16. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and the underground car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

17. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) A number of parking spaces shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document Building for Everyone: A Universal Design Approach (The Centre for Excellence in Universal Design CEUD). Details to be agreed with the planning authority prior to commencement of work on site.

- (c) A minimum of one car parking space per five car parking spaces shall be equipped with one fully functional EV charging point in accordance with Section 12.4.11 Electrically Operated Vehicles of the current development plan. All proposed residential car parking spaces should be constructed to be capable of accommodating future electric charging points for electrically operated vehicles (ducting, mini-pillars etc.) without the requirement for future excavations/intrusive works.
- (d) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development) and also to prevent inappropriate commuter parking.

18. The landscaping scheme as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

19. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

20. 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.

21. Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment 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 and to ensure the use of locally appropriate placenames for new residential areas.

22. The applicant/developer shall develop and implement a Public Liaison Plan for the duration of the works, covering the following.

- (a) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.

- (b) Keeping local residents informed of progress and timing of particular construction activities that may impact on them.
- (c) Provision of a notice at the site entrance identifying the proposed means for making a complaint.
- (d) Maintenance of a complaints log recording all complaints received and follow up actions.

Reason: In the interests of the proper planning and sustainable development of the area.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the

transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

25. The developer shall pay to the planning authority a financial contribution in lieu of the provisions of public open space within the site, as provided for under Sections 12.8.3 and 12.8.8 of the Dún Laoghaire-Rathdown Development Plan 2022-2028 and Objective 5.1 - Public Open Space of the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024), and in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The amount of contribution shall be agreed between the planning authority and the developer or, in default of such an agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should pay a financial contribution in lieu of the provision of public open space within the site as a result of the infill nature and restricted size of site, and to comply with applicable development plan policy.

26. 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 Coimisiún 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.

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 16th day of July, 2025.