



An
Coimisiún
Pleanála

Commission Order
ABP-322111-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3979/24

Appeal by R. John McBratney and others care of Diarmuid Ó' Gráda of 16 Louvain, Roebuck Road, Dublin and by Susan McCarrick on behalf of Pembroke Road Association of 23 Saint Mary's Road, Ballsbridge, Dublin against the decision made on the 27th day of February, 2025 to grant permission, subject to conditions, to Courtney's Lounge Bars Limited care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: (1) the demolition of all existing buildings and structures on the site; (2) the construction of a four storey and part five storey mixed-use building comprising a public house (Class 10) at basement and ground floor and six number residential units at the upper floors set out in two blocks on either side of a central courtyard. The four-storey block fronting onto Haddington Road consists of one number two bedroom apartment and two number one number two bedroom duplex apartments including balconies on the southern elevation at third floor level and the part five storey block fronting onto Percy Place consists of one number one bedroom apartment, one number two bedroom duplex apartment and one number three bedroom duplex apartment including balconies and terraces on the north eastern elevation at first, second and third floor levels

and the north and north eastern elevation at fourth floor level; (3) the provision of a landscaped communal courtyard at first floor level and communal open space on the roof of the third floor of the block front onto Haddington Road; (4) the provision of an outdoor covered seating area on the Haddington Road frontage of the new building; solar PV panels on the roof the block fronting onto Percy Place, cycle parking and bin storage and (5) all associated site development works above and below ground to facilitate the development at Smyth's Public House, 10 Haddington Road, 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.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the zoning objective for the site ('Z4 Key Urban Villages/ Urban Villages'), which is to provide for and improve mixed-services facilities and of Policy Sections 15.5.2 ('Infill Development') and 15.14.12 ('Night Clubs/Licenced Premises/Casinos/ Private Member Clubs'), and the location of the site in proximity to a wide range of community services and social facilities, the existing pattern and character of development in the vicinity, and the design, scale and layout of the proposed development on what is a centrally-located, urban site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, and would not seriously injure the residential or visual amenities of the area or detract from its character or built heritage. 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 the planning authority on the 9th day of December, 2024 and on the 31st day of January 2025, respectively, 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. Details of the materials, colours and textures of all the external finishes of 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 and to ensure an appropriate high standard of development.

3. The mitigation measures contained in the Report on Noise Reduction Measures submitted to the planning authority on the 9th day of December, 2024 shall be implemented prior to the occupation of the permitted residential units.

Reason: To protect the environment.

4. The outdoor seating area for the public house shall not operate between the hours of 2200 and 0800 daily.

Reason: In the interest of residential amenity.

5. The proposed awning over the outdoor seating area shall be a single colour and shall not contain any advertisements.

Reason: In the interest of visual amenities.

6. (a) The attenuation and 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.
- (b) The recommendations of the submitted Basement Impact Assessment shall be fully implemented.

Reason: In the interest of proper planning and sustainable development.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction and Demolition 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 and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

8. 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.

9. Prior to the commencement of development, the developer shall submit revised details of the proposed cycle parking for the written agreement of the planning authority. These details shall demonstrate compliance with the Cycle Design Manual 2023, Compact Settlement Guidelines 2024, and Volume 2, Appendix 5, Section 3.0 of the Dublin City Development Plan 2022-2028. In particular:
 - (a) A minimum of 12 number long term cycle parking shall be provided for the residential aspect of the development. One number cargo space shall be provided at ground floor for the residential aspect of the development, unless otherwise agreed. A minimum of one number long term and three number short term spaces shall be provided for the public house element.

- (b) A proportion of the long-term cycle parking shall be provided using Sheffield stands or similar alternatives to accommodate larger bicycles and bicycles with accessories. The design must also enable cyclists to secure both the frame and wheels of their bicycles.
- (c) For the proportion of the proposed long term cycle parking which is in two-tier stand style, a clear space of 2 metres - 2.5 metres in front of the two-tier cycle stands to allow proper alignment and placement of cycles, as specified in the Cycle Design Manual.

Reason: In the interest of proper planning and sustainable development.

- 10. No advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without the prior grant of planning permission.

Reason: In the interest of visual amenity.

- 11. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 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.

14. 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 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.

15. A plan containing details for the management of waste for both the public house and residential units, 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 agreed waste facilities shall be maintained, and 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.

16. 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 shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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.