



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322319-25

---

**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: D24A/0635/WEB**

**Appeal** by Brinnin Holdings Limited care of Kiaran O'Malley and Company Limited, Town Planning Consultants of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin and by Beech Court Residents' Association care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 21<sup>st</sup> day of March, 2025 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Brinnin Holdings Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Demolition of existing derelict structures on site, (b) replacement with the construction of 10 number new one, two and three bed apartments in two number three-storey blocks, with eight number car parking spaces, (c) provision of bin storage area and construction of single storey bike storage, (d) relocation and widening of existing vehicular entrance including the construction of a new stone wall and piers and internal access road all in accordance with DMURS, (e) alterations and repairs to existing front boundary wall including new metal railing atop existing wall with mature planting inside, (f) construction of new masonry boundary wall to west side in

place of existing panel fence, (g) new connections to all public utilities including water, wastewater, gas, electrical and telecoms, (h) provision of surface water attenuation and disposal in accordance with SuDS, (i) new hard and soft landscaping including planting of mature trees and (j) all ancillary site development works required at Altis, Avondale Road, Killiney, 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.**

## **Reasons and Considerations**

Having regard to the zoning objective for the site as set out in the Dún Laoghaire-Rathdown Development Plan 2022 – 2028, the National Planning Framework – First Revision (2025), Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), Sustainable Urban Housing: Design Standards for New Apartments, (2023), and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable level of residential amenity to future residents, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of traffic and pedestrian safety and would accord with the tree protection objectives in the 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 submitted on the 25th day of February 2025 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. Apartments numbers two, three and five shall be provided with a minimum balcony/terrace area of seven square metres, and a minimum width of 1.5 metres and the balcony on apartment number six number six shall extend along the whole side of the balcony. Prior to the commencement of development, the developer shall submit plans indicating the balcony/terrace areas in accordance with the above design specifications for the written agreement of the planning authority.

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

3. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

4. 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.

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

5. 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.

6. The mitigation measures and monitoring commitments identified in the Construction and Environmental Management Plan and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments and details of a time schedule for implementation of the mitigation measures and associated monitoring, the planning authority for written agreement.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the development.



7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs 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).

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

8. 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. Such lighting shall be provided prior to making available for occupation of any residential unit.

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

9. The landscaping scheme shown on drawing number 202419/SLD/P01, as submitted to the planning authority on the 25<sup>th</sup> day of February, 2025 shall be carried out within the first planting season following substantial completion of external construction works.

- (i) A tree protection plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (ii) 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, 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.

10. Proposals for an estate name and house/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 signs and house/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 name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

11. 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.

12. 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.

- 13 (a) 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.
- (b) 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.

14. All of the car parking spaces serving the residential units shall be provided with electronic connections to allow for the provision of future electronic vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

15. Prior to the commencement of development, the developer 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.



16. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands 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.

17. 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.

18. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

19. The developer shall lodge to Dún Laoghaire Rathdown County Council the total sum of €150,750.00 ( $€7,500,000 \times 0.0201$ ) as a contribution in lieu of not providing the 15% public open space requirement.

**Reason:** It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community and Parks facilities and Recreational amenities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

20. 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.



*Mary Gurrie*  
\_\_\_\_\_  
**Mary Gurrie**

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

**Dated this 15 day of August 2025**