



An
Coimisiún
Pleanála

Commission Order
ABP-322569-25

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0981/WEB

Appeal by Chris Pluck and Oprah O'Neill of 84 Ballyogan Road, Ballyogan, Dublin against the decision made on the 2nd day of May, 2025 by Dún Laoghaire-Rathdown County Council to grant permission subject to conditions to Ultra Dawn Limited care of Downey of 29 Merrion Square, Dublin for the proposed development.

Proposed Development: The development will consist of the demolition of the existing structures on site and the construction of a residential development comprising 49 number apartment units in two number apartment blocks as follows: Block A providing a total of 24 number apartments comprising of eight number one-beds, 15 number two-beds, and one number three-bed, with internal bin store, bike store and switch room, in a building ranging from four to five storeys in height with PV panels at roof level, and Block B providing a total of 25 number apartments comprising of 11 number one beds and 14 number two-beds, with internal bin store, bike store, plant room and switch room, in a building four storeys in height with PV panels at roof level, with all apartments provided with private terraces/balconies; car parking; bike parking; new vehicular access on Ballyogan Road with

associated road upgrade works including right turn lane and footpath works; landscaping including play equipment; boundary treatments; lighting; one number ESB substation; and all associated site infrastructure and engineering works necessary to facilitate the development at numbers 133 and 152, Ballyogan Road, Ballyogan, 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

In making their decision the Commission had regard to

- (a) the location of the site in an urban neighbourhood of Dún Laoghaire-Rathdown which is zoned Objective A in the Dún Laoghaire-Rathdown Development Plan 2022-2028 which seeks to 'provide residential development and improve residential amenity while protecting the existing residential amenities',
- (b) the policies and objectives of the development plan including the criteria set out in Table 5.1 as contained in Section 5 of the development plan and Appendix 5 Building Heights Strategy of the development plan,
- (c) the Local Area Plan including the criteria for Flood Risk Assessment,
- (d) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021),

- (e) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024,
- (f) 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,
- (g) Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,
- (h) Regional Spatial and Economic Strategy,
- (i) Design Manual for Urban Roads and Streets (DMURS) (2019),
- (j) the Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November, 2009 (including the associated Technical Appendices),
- (k) the Climate Action Plan 2024,
- (l) the nature, scale and design of the proposed development and the pattern of existing and permitted development in the area,
- (m) the accessibility of the site particularly by way of high-quality transport,
- (n) The availability in the area of a wide range of social, community, and water services infrastructure, and
- (o) the submissions and observations received in connection with the planning application and the appeal,

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 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particular received by the planning authority on the 7th day of April 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. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority.
 - (a) Floorplan and Elevation drawings showing the reduction of first floor balcony of Block B, Unit 07 to the southern elevation.
 - (b) Details of all material finishes and design of all balcony balustrade and details of additional or embedded screening for balconies nearest the east and west boundaries.

Reason: In the interests of amenities of adjacent properties and in the interest or orderly development.

3. The management and disposal of surface water shall comply with the requirements of the planning authority for such works and services.
- (a) 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.
- (i) Revised calculations for the catchment areas and the storage provision for the site which shall reflect consistency with the Engineering Services Report shall be sized so as not give rise to flooding.
- (ii) Revised details of swales to include flow restriction method and ensure achievable store volumes.
- (iii) Calculation for the percentage coverage of green roof area in accordance with Appendix 7.2 of the development plan.
- (iv) Fully dimensioned site-specific construction stage details and accessible maintenance arrangements for the attenuations system, green/blue roofs/podiums and SuDS measure.
- (b) All proposed SuDS features including the Blue/Green Roofs and podiums shall be designed, installed and maintained in accordance with the requirements of the SUDS Manual (CIRIA C753) and BBS EN 12056-3:2000.
- (c) Post construction, the developer shall submit details of the attenuation system, including the flow control device, that has been installed in accordance with the submitted details and which be set to an agreed maximum permitted discharge limit. Details shall include photographs of the installation process and certification by

the installer.

- (d) No connection to the attenuation system shall be completed without prior inspection and agreement of the planning authority.
- (e) The surface water outfall discharge rate for the site shall be limited to QBAR (calculated using site specific data) or 2l/s/ha, whichever is greater subject to the size of the flow outlet device not being less than 50 millimetres in diameter.
- (f) A post construction maintenance specification and schedule shall be implemented on site and details shall be submitted for written agreement.

Reason: In the interest of public health.

- 4. The developer shall provide a sufficient attenuation volume for the one in 100-year rainfall return, plus minimum 20% allowance for climate change, on site as detailed in the application. The proposed attenuation system shall be designed to encourage implementation infiltration in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the development plan, unless prohibited by local ground conditions. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgment of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties.

Reason: To prevent flooding and in the interest of public health and safety.

5. Prior to the commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) 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.

6. The developer shall ensure all landscape proposals are compatible with the drainage proposals. Any alteration to either shall be subject to written agreement of the planning authority.

Reason: In the interest of public health and amenity.

7. 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.

8. Public lighting shall be provided in accordance with a scheme illustrated with a lux contour diagram (with no masking) and 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 interest of amenity and public safety.

9. 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.

10. 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.

11. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide evidence of clear communication of car parking prior sale or letting together with incentives to encourage the use of public transport, cycling and walking by residents, occupants and staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interests of encouraging the use of sustainable modes of transport and the proper planning and sustainable development of the area.

12. 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.

13. A programme of continuous noise and vibration monitoring shall be in place prior to the commencement of any construction activities. It shall be carried out for the duration of the development along the site boundaries/noise sensitive locations by an appropriately qualified and experienced acoustic technician. Should any noise assessment identify that noise limits are being exceeded further investigation will be carried out and mitigation measures implemented to ensure compliance stop copies of the monitoring shall be made available to the environmental health services air and noise unit upon request.

Reason: In the interest of environmental protection and the protection of residential amenities.

14. A program of dust monitoring shall be carried out by the developer at dust sensitive locations adjacent to the site boundaries and should be made available to the local authority on an agreed basis. The amount of dust deposited anywhere outside the proposed development when averaged over a 30-day period should not exceed:
- (a) 130MG per square metre per day when measured according to the BS method which takes account of insoluble components only, or,
 - (b) 350MG per metre squared per day when measured according to the TA lift.

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

15. A Public liaison plan shall be developed and implemented for the duration of the works. A community liaison officer should be appointed as a single point of contact to engage with the local community and respond to concerns. Local residents shall be informed of timing of significant construction activities that may impact on them. A notice at the side entrance will identify the proposed means from making a complaint under complaints log recording all complaints received and follow-up actions should be kept for review by the planning authority upon request.

Reason: In the interest of public health and safety.

16. 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.

17. An Operation Waste Management 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.

18. 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 interest of reducing waste and encouraging recycling.

19. 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.

20. (a) Prior to commencement the developer shall liaise with the DLL or CC traffic and municipal services section in order to obtain the required specification permits and process to complete the required right turn layout on Ballyogan Road and shall be agreed in writing all proposed changes to the public footpath and vehicular entrance arrangement.
- (b) The developer shall ensure that all proposed works, both on the public road and within the site (that is, road carriageways, kerbs, footpaths, street lighting, signs, etc) are designed and constructed, at the developers own expense, to meet where applicable, 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).

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

21. (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) At least one parking space 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 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.

22. The developer shall implement all the recommendations for tree retention, tree protection and tree works as detailed in the submitted Arboricultural Assessment Report. Prior to commencement of, development or any site clearance the developer shall erect protective fencing around all retained trees as shown in the Tree Protection Plan or as agreed with the parks and landscape services of the planning authority and during site works and construction shall:

- (a) attach and retain notices to the fencing stating trees within the fence are protected,

- (b) ensure there is no incursions of machinery or storage of materials equipment spoil or soils within the fenced zone unless by prior agreement with the planning authority,
- (c) retain protective fencing until the development is completed,
- (d) carry out supplementary and informal planting of native trees in accordance with the landscape masterplan, and
- (e) ensure ground preparations around retained trees are carried out under the guidance of an arborist.

An arboricultural assessment report certificate shall be signed off by a qualified arborist three years after completion of the works and any remedial tree surgery or tree felling works recommended should be undertaken by the developer under the supervision of the arborist.

Reason: To ensure retention of boundary trees in the interest of amenity and biodiversity.

23. 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, 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 interest of residential and visual amenity.

24. 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.

25. 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.

26. 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.

27. 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.

28. The developer shall pay to the planning authority a financial contribution in respect of costs of the extension of Luas Line B1 – Sandyford to Cherrywood') in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

29. 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.

30. 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.

31. 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.



Declan Moore

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

Dated this 18th day of September 2025.