



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320227-24

#### Development

(i) Partial demolition of office extension to the rear of no. 95 George's Street Upper (A Protected Structure) and the corner of Haigh Terrace. (ii) Minor works to the rear exterior wall of No. 95 Georges Street upper. (iii) Construction of a 3 storey mixed use development with 4th storey stepped back to the rear of No. 95. (iv) All associated site and infrastructural works.

#### Location

95 George's Street Upper, Dún Laoghaire, County Dublin, A96 XY17.

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D24A/0003

#### Applicant(s)

Gary Tynan

#### Type of Application

Permission

#### Planning Authority Decision

Grant

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Siobhra Hooper
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> February 2025
<b>Inspector</b>	Frank O'Donnell

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	8
3.3. Prescribed Bodies .....	10
3.4. Third Party Observations .....	10
4.0 Planning History .....	10
5.0 Policy Context .....	11
5.1. Dun Laoighrie Rathdown Development Plan, 2022 to 2028 .....	11
5.2. Natural Heritage Designations .....	14
5.3. EIA Screening .....	15
6.0 The Appeal .....	15
6.1. Grounds of Appeal .....	15
6.2. Applicant Response .....	16
6.3. Planning Authority Response .....	18
6.4. Observations .....	18
6.5. Further Responses .....	18
7.0 Assessment .....	18
8.0 AA Screening .....	27
9.0 Recommendation .....	28
10.0 Reasons and Considerations .....	28
11.0 Conditions .....	28
Appendix 1 – Form 1: EIA Pre-Screening	

## **1.0 Site Location and Description**

- 1.1. The subject appeal site has a stated site area of 0.0472 hectares and is located at the junction of St. Georges Street Upper and Haigh Terrace in the centre of Dún Laoghaire. The site comprises an existing two storey over lower ground floor end of terrace period dwelling with a more modern rear return comprising a single storey office building over ground floor parking area. The surrounding area, although predominantly residential in character, includes a number of established commercial uses. The existing dwelling is listed as a Protected Structure, Ref. 862 and is also located within a defined Architectural Conservation Area (ACA) (Haigh Terrace to Park Road (formerly Adelaide Street)).

## **2.0 Proposed Development**

- 2.1. The Proposed Development, as initially presented to the Local Authority, comprised the following:
- Partial Demolition (c. 24 sqm in area and c. 6.2 metres in height) of Existing Non-Original Office Extension to the Rear of no. 95 George's Street Upper (A Protected Structure) and the corner of Haigh Terrace.
  - Minor works to the rear exterior wall of No. 95 Georges Street upper to allow for the re-opening of 1 no. window, creation of opening for 1 no. door and provision of a balcony to serve the upper ground floor unit. The works include the reinstatement of the original rear elevation matching the original rear window position. This allows for a separation between the original structure and the proposed new build. The works include the provision of an accessible entrance, private outdoor space and a landscaped area.
  - The construction of a 3 storey mixed use development with the 4<sup>th</sup> storey stepped back to the rear of no. 95. The mixed use development includes a new ground floor commercial unit (48 sqm in area) and bicycle and bin storage (11 no. bicycle parking spaces) (38 sqm in area) facing onto Haigh Terrace and 5 no. residential units above in the form of 2 no. studios and 3 no. 1 bedroom units on the first, second and third floors as follows:
    - First Floor:

- Unit H1 (1 Bedroom Apartment (51 sqm)) and
- Unit H2 (Studio Apartment (42 sqm))
- Second Floor:
  - Unit H3 (1 Bedroom Apartment (52 sqm)) and
  - Unit H4 (Studio Apartment (39 sqm))
- Third Floor:
  - Unit H5 (1 Bedroom Apartment (58 sqm))
- All associated site and infrastructural works.

2.1.1. The Revised Proposals presented in Response to Further Information, comprises the following:

- 1 no. Commercial Unit on the Ground Floor and 5 no. 1 bedroom units on the First, Second and Third floor, as follows:
  - Ground Floor
    - 1 no. Commercial Unit (48 sqm)
  - First Floor
    - Unit H1: (1 Bedroom Apartment (49.3 sqm))
    - Unit H2: (1 Bedroom Apartment (48 sqm))
  - Second Floor
    - Unit H3: (1 Bedroom Apartment (49 sqm))
    - Unit H4: (1 Bedroom Apartment (49 sqm))
  - Third Floor
    - Unit H5: (1 Bedroom Apartment (58 sqm))

## 3.0 Planning Authority Decision

### 3.1. Decision

The Local Authority issued a Request for FURTHER INFORMATION on 23<sup>rd</sup> February 2024 on 3 no. main points, as follows:

#### *Conservation*

1. *Having regard to the designation of 95 Georges Street Upper as a Protected Structure and noting the scale and massing of rear extension element in the context of the façade elements to be retained facing to Haigh Terrace, in addition to concerns raised within the Conservation division report, the Planning Authority has concerns that proposed façade treatment of the lower ground and ground floor levels of the pre-existing 1970's extension as proposed, could adversely impact on the setting of the existing built form of the protected structures on either side. Furthermore, the Conservation Division has concerns that the transition in scale and the treatment of this part of the structure may have an overbearing impact on the streetscape of the ACA and the adjoining protected structures.*

*In the interest of respecting the architectural heritage and streetscape of the area the Planning Authority see an opportunity for the Applicant to consider ways to soften this impact through the use of materials, finishes, and fenestration. The applicant is advised to engage with the planning department in relation to this, prior to submission of Further Information.*

#### *Transportation*

2. *The Applicant shall submit revised drawings and details which demonstrate the provision of cycle parking to serve the entire development (existing and proposed) in accordance with the requirements outlined in DLRCC's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018). The response shall also clearly demonstrate and clarify the proposed access arrangements for residents of the units within the original structure 95 Georges St to cycle parking.*

3. *The Applicant shall submit a detailed Cycle Audit prepared by a suitably qualified person which sets out how, in plan format, all the requirements of the Council's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) are met within the development.*

Following receipt of the Response to Further Information, the Local Authority issued a Notification of Decision to GRANT permission on 25<sup>th</sup> June 2024 subject to 20 no. conditions.

Condition no's: 2, 3 & 4 read as follows:

*'2. Prior to commencement, the Applicant shall arrange with the DLR Conservation Division an onsite meeting or discussion, to agree the proposed tile cladding or the extension element.*

*REASON: To ensure that the external materials and finishes will be complementary to the Protected Structure.*

*3. The glazing within the south facing bedroom window of unit H4 and the north facing bathroom window of Unit1 at Level 1 shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.*

*Reason: In the interests of residential amenities.*

*4. The existing on-street cycle parking on Haigh Terrace shall be relocated at the Applicant's expense. The proposed relocated location shall be agreed with DLRCC municipal services prior to commencement of the proposed development. Cycle parking to serve the proposed development shall be provided in accordance with DLRCC's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018).*

*REASON: To promote active travel.'*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** considered the principle of a change of use from office to commercial unit together with the establishment of an additional 5 no. residential units to the rear of the existing Protected Structure at the subject site to be acceptable. Further information was recommended, as per the Request issued.
- Following receipt of the Response to Further Information, the Local Authority Planner considered that having regard to the Objective MTC zoning of the subject site, the massing, scale and form of the proposed extension elements to the existing dwelling and the associated boundary and access arrangements, the proposed development would not result in an adverse impact on adjacent properties by reason of overshadowing, overlooking or overbearance. The Local Authority Planner further considered that the proposed development, as amended, would not serve to significantly detract from the character of the surrounding area and would be in accordance with the provisions of the development plan and the proper planning and sustainable development of the area.

#### 3.2.2. Other Technical Reports

- The **Environmental Enforcement Infrastructure and Climate Change Department** recommended that a Request for Further Information be sought in relation to a Construction Management Plan, Resource and Waste Management Plan, Noise Management Plan, Public Liaison Plan, Operational Waste Management Plan and Pest Control Plan. This recommendation did not form part of the Request for Further Information (the Local Authority Planner considered that the submission of a Resource and Waste Management Plan, a Noise Management Plan, a Public Liaison Plan and a Pest Control Plan could be addressed by way of condition in the event of a Grant of permission being issued).
- The **Transport Planning Section** recommended that a request for Further Information be issued on 3 no. main points relating to Cycle Parking, a



detailed Cycle Audit and a Construction Management Plan which addresses a number of specific items. (The Local Authority Planner considered the Construction and Demolition Waste Management Plan could be addressed by way of condition in the event of a Grant of permission being issued).

- Following receipt of the Response to Further Information, the Transport Planning Section raised no objection to the revised proposals subject to 2 no. conditions relating to the relocation of cycle parking and the control of impacts to the public road during construction works.
- The **Conservation Officer** raised a concern in relation to the proposed design treatment of the lower ground and ground floor levels of the pre-existing 1970s extension and their relationship to the existing built form of the existing protected structures positioned on either side. The Conservation Officer considered that the proposed transition in scale and the design treatment of this element of proposed development would present an overbearing impact on the streetscape of the Architectural Conservation Area (ACA) and the adjacent/ adjoining protected structures. The Conservation Officer recommended that the Applicant be invited by way of a Request for Further Information to present proposals which would serve to soften the impact by way of the use of materials, finishes and fenestration.
- The Conservation Officer considered the revised design proposals to be an improvement to the original proposals. The setback, which is stated to afford views of the roofscape and the spire of the Mariner's Church, was particularly welcomed. The revised fenestration arrangement was deemed to be acceptable. The Conservation Officer recommended that 1 no. Condition be attached relating to the agreement of the proposed roof tiling to the protected structure.
- The **Drainage Planning Section** raised no objection to the proposed development subject to 2 no. standard conditions relating to the control of surface water runoff.

### 3.3. Prescribed Bodies

- The **Environmental Health Officer (Health Service Executive)** recommended that Further Information be sought in relation to a Construction Environmental Management Plan and a Resource and Waste Management Plan.
- Following receipt of the Response to Further Information the Environmental Health Officer raised no objection to the proposed development subject to 8 no. conditions (5 no. during the Construction phase which relate to control of Environmental Health issues (including waste management and recovery, noise, dust, air-borne pollutants), Construction and Demolition Waste Resource Management Plan (RWMP), Noise impacts, a continuous programme of Environmental Monitoring (noise and vibration), if required and the preparation and implementation of a Public Liaison Plan and the appointment of a Community Liaison Officer). The remaining 3 no. recommended conditions relate to the Operational Phase and address such issues as the control of noise levels at any nearby noise sensitive locations, recommended noise limits at such locations and the appropriate storage of waste and recycling facilities in order to avoid creating any nuisance in the area.

### 3.4. Third Party Observations

- 3.4.1. 3 no. Third Party Submissions were initially received from local residents in opposition to the proposed development. Following receipt of the Response to Further Information, a further 2 no. Third Party Submissions were subsequently received from two of the initial 3 no. local residents. The main issues raised in the said submission are covered in the Grounds of Appeal.

## 4.0 Planning History

- 4.1.1. Planning History on the Subject Appeal Site:

- **D23A/0464:** Permission for A) Internal alterations including removal of concrete stair at lower ground floor level. B) Create openings in the walls at

lower ground floor level. C) Insulation and damp proofing works at lower ground floor level. D) Create openings below entrance steps. E) Replacement of non-original windows. F) Removal of non-original internal goods lift and chimney. G) Installation of new partitions, kitchenette and toilet facilities to suit proposed layout. H) Create a new roof terrace with privacy screen to the rear at first floor level. I) Relocation of existing fire escape stairs to rear. J) Render repairs to the front and side elevations. Permission was GRANTED on 12<sup>th</sup> October 2024 subject to 5 no. conditions.

## 5.0 Policy Context

### 5.1. Dun Laoighrie Rathdown Development Plan, 2022 to 2028

5.1.1. The subject site is zoned 'Objective MTC (Major Town Centre)' in the Dun Laoghaire County Development Plan 2022-2028. The relevant zoning objective for Objective MTC (Major Town Centre) zoned lands is: *'to protect, provide for and-or improve major town centre facilities.'* Residential and Commercial 'Shop' type developments are uses which are 'Permitted in Principle' under this zoning objective.

5.1.2. Chapter 4: Neighbourhood - People, Homes and Place.

5.1.3. Chapter 5: Transport and Mobility.

5.1.4. Chapter 11: Heritage and Conservation

- Section 11.4 Architectural Heritage
  - 11.4.1 Record of Protected Structures
    - Policy Objective HER7: Record of Protected Structures
    - Policy Objective HER8: Work to Protected Structures

*It is a Policy Objective to:*

- i. *Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- ii. *Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning*

*Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.*

- iii. *Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.*
- iv. *Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.*
- v. *Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.*
- vi. *Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.*
- vii. *Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*
- viii. *Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.*
- ix. *Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- x. *Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).*

- Policy Objective HER9: Protected Structures Applications and Documentation
- Policy Objective HER10: Protected Structures and Building Regulations
- Policy Objective HER13: Architectural Conservation Areas

*It is a Policy Objective to:*

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.*
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.*
- v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.*
- vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.*

- Policy Objective HER14: Demolition within an ACA
- Policy Objective HER15: Shopfronts within an ACA
- Policy Objective HER20: Buildings of Vernacular and Heritage Interest

- Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features

5.1.5. Chapter 12 of the Plan relates to Development Management Standards. Section 12.11 of the Plan relates to Heritage and includes Section 12.11.1 Archaeological Heritage, Section 12.11.2 Architectural Heritage – Protected Structures (Section 12.11.2.1 - Works to a Protected Structure, Section 12.11.2.2 - Change of Use to a Protected Structure, Section 12.11.2.3 - Development within the Grounds of a Protected Structure), Section 12.11.3 Architectural Conservation Areas (ACAs), Section 12.11.4 New Development within an ACA.

5.1.6. Chapter 13 relates to Land Use Zoning Objectives.

- Section 13.1.2 relates to Transitional Zonal Areas

5.1.7. Guidelines

- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes, Sustaining Communities (DEHLG, 2007).
- Architectural Heritage Protection, Guidelines for Planning Authorities, (DEHLG, 2011).
- Urban Development and Building Heights - Guidelines for Planning Authorities, 2018
- Design Manual for Urban Streets and Roads, 2019.
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.

## 5.2. **Natural Heritage Designations**

5.2.1. The appeal site does not form part of, nor does it adjoin, nor is it located within close proximity to any designated Natura 2000 site. The nearest Natura 2000 sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 1.1 kilometres to the northwest;

- South Dublin Bay SAC (Site Code 000210), c. 1.47 kilometres to the northeast;
- Rockabill to Dalkey Island SAC (Site Code 003000), c. 2.85 kilometres to the east;
- Dalkey Islands SPA (Site Code 004172), c. 2.89 kilometres to the southeast;

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure, the nature of the receiving environment, the existing pattern of residential development in the vicinity and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please see Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) at the end of this Report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. 1 no. Third Party Appeal was received from the following:

- Siobhra Hooper

- 6.1.2. The Grounds of Appeal can be summarised as follows:

- Residential Amenity
  - Impacts on established Residential Amenity in terms of
    - Loss of Privacy and Overlooking of the Appellant's Property (including the Appellant's rear garden) from both the new windows and balconies within the proposed development.
    - Loss of Daylight/ Overshadowing of the Appellant's Property arising as a result of the proposed development.

- Noise Impact/ Nuisance
- Design and Layout
  - Design of the Rear Windows, Excessive Building Height, Impact on Haigh Terrace, Density, Car Parking, Pattern of Surrounding Development.
- Other Matters
  - Local Authority Enforcement of Dog Fouling, Control of Construction Impacts including Noise, Dust and Parking.
  - Surface Water Drainage: The existing public surface water drainage system is already not functioning well. The proposed development will serve to exacerbate the issue.
  - Need for Commercial Unit.

## 6.2. Applicant Response

6.2.1. The Applicant's Response to the 1 no. Third Party Appeal can be summarised as follows:

- Privacy and Overlooking
  - The separation distance from the proposed new windows and outdoor spaces on the West facing façade is over 16 metres from the eastern garden boundary wall of the Appellants property.
  - A distance of 16 metres is recommended in the Sustainable Compact Settlement Guidelines, 2024 between opposing windows serving habitable rooms. This dimension is exceeded for what could be considered a lower threshold and would not therefore result in an unacceptable loss of amenity to the Appellants property. The assessment of the Local Authority Planner considers the proposed development to be acceptable in terms of impacts upon existing surrounding properties in terms of overlooking, overbearance and overshadowing.



- Building Height/ Sunlight Shade/ Overshadowing of Rear Garden at no. 97
  - The rear garden of the Appellant's property is in regular shade at present. The appellant also has a south facing front garden.
  - The Application is accompanied by a Daylight Analysis and Overshadowing Study which demonstrates that the proposed development will result in negligible additional overshadowing.
- Car Parking
  - The Applicant refers to the Sustainable Compact Settlement Guidelines, 2024 in relation to a reduction/ elimination of Car Parking provision in certain instances. The Applicant notes there is 1 no. Car Parking Space proposed to serve the development and that secure off street cycle spaces are proposed for each dwelling.
- Density/ Commercial Unit
  - The Applicant submits that the proposed residential density is appropriate and that the proposed development will serve to offer a good level of amenity. The proposed Commercial unit is considered to be of an appropriate scale to accommodate a range of uses. The Local Authority Planner considered the proposed residential density to be appropriate, that the proposals would offer a reasonable level of residential amenity and that the commercial component is appropriate in terms of scale and will serve to accommodate a range of retail uses.
- Disruption to Life on Haigh Terrace
  - The Local Authority Notification of Decision to Grant permission includes conditions which relate to the management of Construction Works. The Conditions are welcomed by the Applicant and relate to such issues as Construction Traffic Management Plan, Construction Management Plan, Noise Management Plan, Public Liaison Plan, Operational Waste Management Plan and Pest Control Plan.

### 6.3. Planning Authority Response

- 6.3.1. The Local Authority responded in a letter dated 30<sup>th</sup> July 2024. The following is stated:

*'In this regard the Board is referred to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.'*

### 6.4. Observations

- None

### 6.5. Further Responses

- None

## 7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of the Proposed Development
- Residential Amenity
- Architectural Heritage
- Design and Scale
- Car Parking
- Commercial Unit (Need)
- Other Matters
  - *Enforcement*
  - *Drainage*

○ *Part V*

7.2. Principle of the Proposed Development

- 7.2.1. The subject site is zoned 'Objective MTC (Major Town Centre)' in the Dun Laoghaire County Development Plan 2022-2028 where the relevant zoning objective is: '*to protect, provide for and-or improve major town centre facilities.*' Residential and Commercial 'Shop' type developments are uses which are 'Permitted in Principle' under this zoning objective. I conclude that the principle of both the original and amended proposals are acceptable in this area.

7.3. Residential Amenity

- 7.3.1. The Appeal is primarily concerned with the impact of the proposed development on the established residential amenities of the general area and, in particular, that of the Appellants property. Specific concerns are focused on the issues of Loss of Privacy/ Overlooking, Loss of Daylight/ Overshadowing and Noise Impact.

- *Loss of Privacy/ Overlooking*

- 7.3.2. I note the issue of Overlooking is raised in the Assessment of the Local Authority. Condition no. 3 of the notification of decision to Grant permission requires additional screening measures to the south facing bedroom window of Unit H4 and the north facing bathroom window of Unit 1 at Level 1. The purpose of such additional screening measures is stated to be to ameliorate any perceived overlooking. It is further stated that a level of overlooking is to be anticipated having regard to the Major Town Centre zoning objective of the site.

- 7.3.3. I note the concerns of the Appellant in terms of Overlooking and Loss of Privacy. I also note the rear elevation of the Appellant's dwelling faces northeast and that the property itself is, at the nearest point, a minimum of 16 metres from the subject appeal site. Having regard to the separation distances proposed to be observed between the proposed development and the Appellant's property and owing to the orientation of the rear elevation of the Appellants property, which does not result in opposing first floor windows, I am satisfied that the proposed development, as amended in response to the Request for Further Information, will not result in any significant Loss of Privacy or Overlooking of the Appellant's Property. In this regard I note SRRP1 of the Sustainable Compact Settlement Guidelines, 2024, which is

concerns to separation distances and states, inter alia, that ‘...when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained...’.

7.3.4. I note there are 4 no. existing narrow windows on the first and second floor of the southeast facing rear return of the adjacent property to the northwest, no. 96 Georges Street Upper, located on the northwest side of Haigh Avenue. I further note the 2 no. windows on the second floor contain obscure glazing and that the building is in Commercial use as a Solicitors Office. The said windows are therefore not, in my opinion, serving habitable rooms and as the property is no longer in residential use, I do not consider the proposed development, as presented, will result in an unacceptable or indeed significant Loss of Privacy or Overlooking of this said adjacent property.

7.3.5. No. 94 George’s Street Upper to the immediate southeast is understood to be in Commercial use as a Medical Clinic and is not understood to be in residential use. I note the rear of this adjacent property serves as a car park and is accessed via Mariners Court to the northeast. The revised Proposed Section DD Drawing (Drg. No. PR.09) shows 4 no. windows on the first and second floors (8 no. windows in total) serving the bedrooms and bathrooms of units H1, H2, H3 & H4. I do not consider the proposed development, as presented, will serve to result in any significant Loss of Privacy or Overlooking of said adjacent property.

7.3.6. I recommend condition no. 3 of the notification of decision to Grant permission, as issued by the Local Authority, or similar, should be attached as a condition as part of an overall grant of permission.

- *Loss of Daylight/ Overshadowing*

7.3.7. I note the concerns of the Appellant in relation to the issues of Loss of Daylight/ Overshadowing. I also note the planning application is accompanied by a Daylight Analysis and Overshadowing Assessment. The said Assessment concludes that all bedrooms and kitchen/ living/ dining areas within the scheme met the target lux levels set out in BS EN 17037:2018 for Daylight penetration. The Vertical Sky Component (VSC) for 5 no. windows analysed in adjacent property surpass the 27%

levels and do not fall below 0.8 times the existing value thereby confirming compliance with the BRE Guidelines for Vertical Sky Component. A Shadow Study is provided in Section 4.0 of the Report which concludes that the proposal provides very minor overshadowing. I am therefore satisfied that the proposed development, as amended, is acceptable in terms of Daylight and Overshadowing.

- *Noise Impact*

7.3.8. I note the concerns of the Appellant in relation to anticipated noise nuisance impacts arising as a result of the proposed development. I note Condition no. 10 of the Notification of Decision to Grant permission relates to a Noise Management Plan for the proposed construction works. In my opinion, noise limits during the construction phase of the proposed development can be suitably managed by way of a pre-commencement Construction Management Plan (CMP). I recommend that a suitable condition to this effect be attached as part of any grant of planning permission.

#### 7.4. Architectural Heritage

7.4.1. Point no. 1 of the Request for Further Information related to Conservation issues and the relationship between the proposed development, the adjacent Protected Structures and the proposed new elevational treatments along Haigh Avenue. I note the Applicant's Response to said Request for Further Information and the revised design proposals presented. The building has been reduced in terms of massing along Haigh Terrace and in terms of its relationship with the adjacent protected structure to the immediate north (no. 6 Haigh Terrace, RPS Ref. 844). The Applicant has proposed revised elevational treatments along Haigh Avenue, with the stated intention being to optimise visual connectivity and to contribute positively to the conservation context. The proposed new build is also now clearly distinguishable and independent from the main property (no. 94 Georges Street Upper) which allows for the reinstatement of windows to the rear of said property. The Conservation Officer raised no objection to the revised proposals subject to 1 no. condition in relation to samples of the proposed cladding being agreed.

7.4.2. Section 11.4 of the development plan relates to Architectural Heritage. The assessment criteria for development proposals which include work to Protected Structures is set out under Policy Objective HER8. Having regard to the provisions of Policy Objective HER8, I am satisfied that the proposed design, as amended,

successfully integrates into its surroundings without undue negative impacts upon the established character and setting of the adjacent protected structures and that of Haigh Terrace. The revised scale, massing and materiality are, in my opinion, appropriate to this area and are respectful of the scale of adjacent structures.

- 7.4.3. Development plan Policy Objective HER13 relates to development within Architectural Conservation Areas (ACA). In my opinion, the revised proposals presented in Response to Further Information serve to successfully protect and are appropriate to the character and special interest of the ACA and are appropriate in terms of design, scale, height, mass, density, building lines and materials.
- 7.4.4. Therefore, I am satisfied that the proposed development, as amended, is acceptable in terms of its impact on the established Architectural Heritage of the area.
- 7.4.5. I note Condition no's 2 of the Notification of decision to Grant permission, as issued by the Local Authority which relates to details of the proposed tile cladding and agreement of same on site with the Conservation Officer, prior to the commencement of work on site. I consider the issues raised in condition no. 2 can be addressed by way of a standard prior to commencement condition relating to details of the proposed materials.

## 7.5. Design, Scale and Layout

- 7.5.1. The proposed development, together with the recent renovation works carried out to the adjacent dwelling, will provide a total of 7 no. residential units on a site measuring 0.0472 hectares. This equates to a gross residential density of about 148 dwellings per hectare which I consider to be acceptable having regard to the relatively low rise design and its town centre location close to transport links, community facilities and recreational and employment uses.
- 7.5.2. The proposed development provides 5 no. one bedroom residential units. All units satisfy, and in some cases exceed, minimum floor space standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments, July 2023. In addition, all units are a minimum of dual aspect and will receive ample natural light owing to the tall windows proposed. The proposed external treatments of the new façade facing Haigh Avenue include a profiled tile clad finish and deep set contemporary aluminium framed windows.

7.5.3. The proposed development, as presented, together with the existing development on site provides the following mix of units:

- 1 no. 5 Bedroom Maisonette (Unit 1) (Within Main Protected Structure)
- 1 no. 3 bedroom Apartment (Unit 2) (Within Main Protected Structure)
- 5 no. 1 Bedroom Apartments (Units H1, H2, H3, H4 & H5)
- 1 no. Commercial Unit

7.5.4. I note Specific Planning Policy Requirement 2 (SPPR2) of the aforementioned Apartment Guidelines, which relates to unit mix. Of relevance to the subject proposal and the proposed site size which measures 0.0472 hectares, the following is stated: *'for all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha – where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;...'* Having regard to this specific guidance, I am satisfied that the proposed unit mix is appropriate in this instance.

7.5.5. The private amenity space for units H2 and H4 is proposed to be provided in the form of 2 no. Juliet Balconies along the front elevation. Both balconies are below the minimum floor space standard of 5 sqm and the minimum depth of 1.5 metres as set out in the aforementioned Apartment Guidelines. I note the wording of SPPR2 of the Guidelines wherein, in relation to the standards set out in the guidance, the Planning Authority may exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development. In the subject case however, it is my opinion that the said 2 no. Juliet Balconies, which are proposed to be enclosed behind a glazed balustrade, could readily be increased in size and depth in order to satisfy the relevant standard. I therefore recommend that a suitably worded condition be attached which seeks revised proposals, which comply with the standards set out in the said Guidelines, for the agreement of the Local Authority.

7.5.6. The Appellant raised a specific concern in relation to the design of the rear windows of the existing Protected Structure (no. 95 George's Street Upper). I note the new residential block is proposed to be offset by a distance of 3.2 metres from the rear of the existing Protected Structure. I further note the Conservation Officer recognises

this as a conservation gain as this will serve to enable the reinstatement of the rear elevation of the Protected Structure and will provide some breathing space from the proposed new mixed use development. The proposed development description refers to minor works to the rear exterior wall of no. 95 George's Street Upper to provide for the reopening of 1 no. window, creation of an ope for 1 no. door and provision of balcony to serve upper ground floor unit. I am satisfied that the proposed works to the rear of the existing Protected Structure are acceptable on built heritage/ architectural conservation grounds.

- 7.5.7. The overall height of the revised proposal at 31.3 metres (parapet level) is below that of the top of chimney level of the adjacent Protected Structure (no. 95 George's Street Upper). In addition, the top 3<sup>rd</sup> floor (fourth storey) is set back significantly on three sides which has the effect of reducing the overall scale of the proposal relative to its surroundings. I am satisfied that the height and reduced scale of the revised proposals are acceptable in this instance and will not serve to impact negatively upon the established character of the area.

#### 7.6. Car Parking and Cycle Parking

- 7.6.1. The appeal site is understood to provide 6 no. car parking spaces at present. The initial proposals received by the Local Authority on 02<sup>nd</sup> January 2024 proposed no car parking spaces. The revised proposals received in response to further information on 31<sup>st</sup> May 2024 show 1 no. car parking space on site which is proposed to be accessed from Haigh Avenue. The Transportation Department raise no objection to the proposed development, as amended, subject to 2 no. conditions. I note recommendations set out in the Sustainable Compact Settlement Guidelines, 2024 wherein, as per SPPR 3 – Car Parking in city centres and urban neighbourhoods car parking provision should be minimised, substantially reduced or wholly eliminated. Having regard to the location of the subject appeal site in Dun Laoghaire Town Centre which is well served by public transport and enjoys a considerable mix of residential/ retail/ community/ educational and employment uses I consider both proposals presented by the applicant, i.e. the initial proposal which did not include any car parking provision and the subsequent proposal presented in response to the request for further information and which included 1 no. car parking space, to be acceptable.



- 7.6.2. I note the issue of cycle parking and a cycle audit were raised under points 2 and 3 of the request for further information. I note the response of the Applicant and the assessment of said Response by the Local Authority. I consider the revised cycle parking arrangements to be acceptable.
- 7.6.3. I note the Appellant raises concern in relation to current and recent on street car parking arrangements. The appellant is further concerned that the proposed development will serve to exacerbate such car parking issues. I note condition no. 8 of the Notification of Decision to Grant permission relates to a Construction Traffic Management Plan (CTMP). I am satisfied that in the event of a Grant of permission being issued a similar condition can be attached. In this regard, I am satisfied that the concerns of the Appellant in relation to the management of Construction Traffic can be successfully managed. The long term control of car parking beyond the extents of the subject site is a matter for the Local Authority to enforce and is, therefore, in my view, a consideration outside the scope of this assessment.
- 7.6.4. I note Condition no. 4 of the Local Authority's Notification of Decision to Grant permission is concerned with the relocation of existing cycle parking and that Cycle Parking shall be in accordance with the Local Authority's standards for cycle parking. I recommend this condition, or similar, be attached as a condition as part of any grant of planning permission.

#### 7.7. Commercial Unit (Need)

- 7.7.1. The proposed development includes the provision of 1 no. ground floor Commercial Unit. The unit is shown to have a floor area of 48 sqm and includes a small w.c. as well as a small patio area to the rear and accessed from within the unit. The unit is proposed to be accessed directly from Haigh Terrace and is shown to have a large clear glass window/ shopfront along the northwest elevation.
- 7.7.2. I note the proposed Commercial Unit is referred to as a Retail Unit in the Applicant's accompanying Planning Report.
- 7.7.3. The subject site is zoned 'Objective MTC (Major Town Centre)' in the Dun Laoghaire County Development Plan 2022-2028 where the relevant zoning objective is: *'to protect, provide for and-or improve major town centre facilities.'* Commercial 'Shop' type developments are uses which are 'Permitted in Principle' under this zoning objective.

7.7.4. I am satisfied that the proposed Commercial unit is appropriate and is in accordance with the relevant 'Objective MTC (Major Town Centre) zoning provision and together with the proposed residential element will serve to create an appropriate mix of uses. The proposed inclusion of a Ground Floor Commercial Unit would not, in my view, be out of character with the established pattern of development in the general area.

7.8. Other Matters

- *Enforcement*

7.8.1. The Appellant raises concerns in relation to the Local Authority's enforcement of dog fouling in the area and the control of construction impacts including noise, dust, parking. Other concerns are raised in relation to general anti-social behaviour.

7.8.2. The enforcement of dog fouling controls in the area is indeed a matter for the Local Authority and is not, in my opinion, a relevant planning consideration in the assessment of this appeal.

7.8.3. I note the concerns raised by the Appellant in respect of the abovementioned anticipated Construction Impacts. I further note Condition no's 8, 9 and 10 of the Local Authority Notification of Decision to Grant permission relate to Construction Traffic Management Plan (Condition no. 8), a Construction Management Plan (Condition no. 9) and a Noise Management Plan (Condition no. 10). I am satisfied the abovementioned concerns raised by the Appellant can be suitably addressed by way of appropriate conditions in the event of a Grant of permission being issued. In addition, I note Condition no's 11 and 12 of the Notification of Decision to Grant issued by the Local Authority relate to a Public Liaison Plan and a Pest Control Plan. I consider these said conditions should be attached as part of any Grant of permission which may issue.

- *Surface Water Drainage*

7.8.4. The Appellant is concerned that the proposed development, if permitted, will serve to exacerbate existing deficiencies in the public surface water drainage system. The Appellant considers that the existing surface water drainage system is already not functioning well. I note the Applicant is proposing to provide a rain garden and that this in turn is proposed to connect to the storm drain on Haigh Terrace.

7.8.5. I note the Report from the Drainage Department dated 02<sup>nd</sup> January 2024 wherein no objection is raised to the proposed development subject to 2 no. conditions. It is noted that Condition 6 a) of the Notification of Decision to Grant permission controls surface water management to within the site, does not permit surface water run off to the public surface water sewer and that any overflow from the rainwater harvesting system shall be contained within the property e.g. soakaway, permeable paving sub-base etc. Condition 6 b) serves to further control surface water run off entering the public realm from the site.

7.8.6. I am satisfied the abovementioned concerns raised by the Appellant in relation to Surface Water Drainage can be suitably addressed by way of appropriate conditions in the event of a Grant of permission being issued. Subject to the attachment of appropriate conditions to this effect, I would have no concerns in relation to the treatment and disposal of Surface Water on the subject appeal site.

- *Part V*

7.8.7. The provisions of Part V of the Planning and Development Act, 2000 to 2023, in relation to the provision of Social and Affordable Housing do not apply in this case since the site is less than the 0.1ha threshold.

## **8.0 AA Screening**

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.2. The subject site is located in an urban area. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), is the closest Natura 2000 site located c. 1.11 kilometres to the northwest.

8.3. The proposed development comprises the partial demolition, reconstruction and extension and redevelopment of the subject property.

8.4. No nature conservation concerns were raised in the planning appeal.

8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the proposed development works
- Location-distance from nearest European site and lack of connections
- Taking into account the AA Screening determination by Local Authority

8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

9.1. I recommend that permission be GRANTED.

## 10.0 Reasons and Considerations

10.1. Having regard to the location of the application site in an area zoned for major town centre development in the Dun Laoghaire Rathdown County Development Plan 2022 to 2028 where residential and retail uses are permitted in principle, to the existing retail use on site and the mass, scale and height of the proposed development it is considered that the proposed development would not detract from the visual or residential amenity of the area, would not give rise to traffic hazard and would otherwise accord with the County Development Plan and the proper planning and sustainable development of the area.

## 11.0 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 proposed development shall be amended as follows:
  - i) 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.
  - ii) The area of the balconies for apartments H2 and H4 as shown on the revised floor plans in Drawing number PR.03 and PR.04 received by the Planning Authority on the 31<sup>st</sup> day of May, 2024 shall be increased so that they are a minimum of 1.5 metres in depth and that they comply with the areas as given in Appendix 1 of the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, 2023.

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 interest of the amenities of the area and visual amenity.

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

Reason: To promote active travel.

7. All necessary measures shall be taken by the Applicant and Contractor to:
  - i) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works.
  - ii) repair any damage to the public road arising from carrying out the works.
  - iii) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: In the interest of orderly development

8. Construction Traffic Management Plan

The Applicant shall submit a Full and comprehensive Construction Traffic Management Plan, produced by a competent designer in accordance with Chapter 8 of the Traffic Signs Manual, including construction vehicular access to site in particular, to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on public roads with site accesses and site perimeter public roads and the surrounding public road network, during construction works. The plan shall also demonstrate proposed measures to deal with the following items:

- i) How it is intended to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on public roads with site accesses and site perimeter public roads, during construction works.

- ii) An access route to site for construction traffic/vehicles to be agreed with DLRCC Traffic Section, Municipal Services Department.
- iii) How it is intended to provide for site delivery vehicles manoeuvres.
- iv) Where it is intended to provide for site staff car parking during construction in that it is not acceptable to have long term site staff car parking on the nearby public road network.
- v) Methods to ensure that vehicles leaving the site are clean with commitment to install a wheel wash equivalent method for cleaning down vehicle prior to leaving the site during construction if required).
- vi) Proposed measures to minimise/eliminate nuisance caused by noise and dust, proposed working hours and measures to minimise/prevent transfer of dirt to the public road with associated measures to clean the public roads / gullies etc in the vicinity of the site and continuing replacement of roads line markings resulting therefrom.

Reason: In the interest of orderly development

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- i) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- ii) Location of areas for construction site offices and staff facilities;
- iii) Details of site security fencing and hoardings;
- iv) Details of on-site car parking facilities for site workers during the course of construction;
- v) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- vi) Measures to obviate queuing of construction traffic on the adjoining road network;

- vii) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- viii) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- ix) Provision of parking for existing properties at [specify locations] during the construction period;
- x) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- xi) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- xii) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- xiii) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- xiv) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

#### 10. Noise Management Plan

The Applicant is requested to submit 'Noise Management Plan'. This plan should be developed in accordance with all relevant guidance and legislation, including but not limited to the ProPG: 'Professional Practice Guidance on Planning and Noise for new Residential Development' and BS 8233 'Guidance on Sound Insulation and Noise Reduction for Buildings'. The Noise Survey & Management Plan should address the following:

- i) A qualified specialist company consultant should be appointed prior to the commencement of the work. Levels to be assessed by said consultant and limits submitted to DLRCC for approval. Levels should



- be determined using BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Noise.
- ii) monitoring stations must be supplied, installed, and maintained by a suitably qualified suitable qualified specialist company for the duration of the works.
  - iii) Noise monitoring to demonstrate compliance with the limits established BS5228 shall be installed, monitored, and reported on at weekly intervals by a suitable qualified specialist company for the duration of the contract.
  - iv) All monitoring data to be compiled into a weekly technical monitoring report which shall identify remedial measures where levels exceed relevant limit values.
  - v) The impacts of the demolition and construction phases on the receiving environment should be predicted and mitigation measures proposed, especially for any potential rock braking/piling activities.
  - vi) The impact of any potential excessively noisy works on neighbouring properties shall be predicted and measures suggested for reducing the impact of such works. Including reduced working hours, appointing a community liaison officer to handle complaints, and setting a trigger point noise level that if exceeded works will stop and additional noise attenuation measures implemented.

Reason: In the interest of orderly development.

#### 11. Public Liaison Plan

The Applicant and the developments Contractor shall provide a 'Public Liaison Plan' for the duration of the construction phase, to include the following at a minimum covering the following.

- i) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.
- ii) Keeping local residents informed of progress and timing of particular construction activities that may impact on them.

- iii) Provision of a notice at the site entrance identifying the proposed means for making a complaint.
- iv) Maintenance of a complaints log recording all complaints received and follow up actions.

Reason: In the interest of orderly development.

12. Pest Control Plan

The Applicant and the developments Contractor shall submit proposal for a 'Pest Control Plan' for the duration of the works on site.

Reason: In the interest of orderly development.

13. 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 interests of urban legibility.

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, 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.

15. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

16. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

17. 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 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.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

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 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.

21. 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.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Frank O'Donnell  
Planning Inspector

26<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320227-24		
<b>Proposed Development Summary</b>	Permission for (i) Partial demolition of office extension to the rear of no. 95 George's Street Upper (A Protected Structure) and the corner of Haigh Terrace. (ii) Minor works to the rear exterior wall of No. 95 Georges Street upper. (iii) Construction of a 3 storey mixed use development with 4th storey stepped back to the rear of No. 95. (iv) All associated site and infrastructural works.		
<b>Development Address</b>	95 George's Street Upper, Dún Laoghaire, County Dublin, A96 XY17.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>X</b>	Part 2, Class 10 b) iv) – Urban Development	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			

<b>Yes</b>		Part 2, Class 10 b) iv) – Urban Development	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	<b>X</b>	<p>Part 2, Class 10 b) iv) – Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</p> <p>The subject appeal site has a stated site area of 0.0472 hectares which is below the threshold of 2 hectares in the case of a business district.</p>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-320227-24</b>
<b>Proposed Development Summary</b>	(i) Partial demolition of office extension to the rear of no. 95 George's Street Upper (A Protected Structure) and the corner of Haigh Terrace. (ii) Minor works to the rear exterior wall of No. 95 Georges Street upper. (iii) Construction of a 3 storey mixed use development with 4th storey stepped back to the rear of No. 95. (iv) All associated site and infrastructural works.
<b>Development Address</b>	95 George's Street Upper, Dún Laoghaire, County Dublin, A96 XY17.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The subject appeal site has a stated site area of 0.0472 hectares. The proposed demolition is stated to measure 25 sqm. The proposed works comprises the construction of 5 no. residential units.</p> <p>The works do not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of	<p>The development is a brownfield site situated in a suburban area.</p>



natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the relatively modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)