



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0988

Appeal by Deirdre Ní Raghallaigh care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 16th day of May, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Solly Whites Limited care of Fitzsimons Doyle and Associates of 250 Harold's Cross Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of single storey administration/office extension and separate bin store to the rear of the property at The Dalkey Duck, Castle Street, Dalkey, Co. 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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 to 2022, and to the established use of the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be ancillary to the established public house use, would not seriously injure the amenity of adjoining residential property and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for retention of the bin store, the Board considered the applicant's proposal to provide for ventilation of this structure to be acceptable.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 23rd day of April, 2018, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The single storey administration/office extension and/or bin store to be retained shall only be used for the purposes indicated on Drawing Number 100, Rev. R3, received by the planning authority on the 23rd day of April, 2018, and shall not be used for the preparation or sale of food or beverages.

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

3. The use of the outdoor seating area to the rear/south of the site shall remain ancillary to the main public house and shall not provide for any outdoor entertainment or amplified music in such manner as to cause nuisance to the occupants of nearby properties.

Reason: In the interest of adjoining residential amenities.

4. The flat roof of the structures to be retained shall not be used as a roof terrace or be permitted access by members of the public. This roof shall be accessible only for the purposes of maintenance works.

Reason: In the interest of adjoining residential amenity.

5. All proposed vents and lighting to the bin store to be retained shall be in situ within three months of the date of this Order.

Reason: In the interest of public health.

6. All proposed cycle parking spaces and associated facilities shall be provided for on site within three months of the date of this Order. In this regard, the proposed staff (long stay) cycle parking spaces shall be secure and covered cycle parking spaces in accordance with the Dún Laoghaire-Rathdown County Council 'Standards for Cycle Parking and associated Cycling Facilities for New Developments' (January, 2018).

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

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. 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.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.