



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0913

Appeal by William Neville and Sons Unlimited Company care of Reddy Associates Architects Limited of 41 Dean Street, Kilkenny against the decision made on the 27th day of January, 2020 by Dún Laoghaire-Rathdown County Council to refuse a permission to William Neville and Sons Unlimited Company for the proposed development.

Proposed Development: The development will consist of alterations to part completed two-storey over basement public amenity building (planning reference D03A/0140) to include commercial use at basement and ground floor level with apart hotel suites at first and second floor level, modified layouts at basement, ground and first floors, a proposed second floor level, elevational changes and all associated landscaping and site works, all at Royal Marine Hotel (Protected Structure), Marine Road, Haigh Terrace and George's Street Upper, Dún Laoghaire, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 location of the site adjoining an Architectural Conservation Area and adjacent to Protected Structures, to the scale and design of the proposed building, as amended, and to the provisions, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022, the Board considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built environment, would not detract from the character or setting of nearby Protected Structures or the adjoining Haigh Terrace to Park Road Architectural Conservation Area and would comply with Objective 16 of the Dún Laoghaire-Rathdown Urban Framework Plan in the development of a low scale café restaurant building of the highest architectural design that addresses the new public space between the DLR Lexicon and the Mariner's Church, while respecting the vista of the Mariner's Church. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 24th day of February, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the character of the area.

3. The hotel suites shall be used solely as part of the Royal Marine Hotel. They shall not be used as separate residences, and shall not be let, sold other otherwise disposed of separate to the Hotel.

Reason: In the interest of clarity.

4. The proposed 11 number Sheffield cycle stands should be spaced a minimum of one metre between stands and a minimum of half of the spaces, (six number) shall be covered to comply with “Standards for Cycle Parking and Associated Facilities for new Development” issued by Dún Laoghaire-Rathdown County Council Municipal Services Department in January 2018.

Reason: In the interest of proper planning and sustainable development

5. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths/steps, terraces and kerbing within the development;
 - (b) proposed locations for landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures, plant boxes and seating;
 - (d) if required, details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes:
and
 - (e) the landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. (a) Details of signage, including method of illumination, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, or attached to the glazing unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

8. 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 noise management measures and off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

Reason: In the interests of public safety and residential amenity

9. No additional development shall take place on the roof area, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect visual amenities of the area.

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

11. 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.

12. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

13. 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.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.