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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: D19A/0932**

**Appeal** by Gerard and Anna Irvine and others care of G.E. Irvine Architects of Robin Hill, Saint Patrick's Road, Dalkey, County Dublin and by Dalkey Community Council and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by Clós Nua Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 14<sup>th</sup> day of December, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Clós Nua Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of two number non-original, vacant single storey buildings and concrete plinth (circa 503.5 square metres) on eastern side of site to be replaced by a three-storey over basement building with roof garden, partial demolition (circa 740 square metres) of three number vacant, partly original tram shed buildings at the north-west of the site and the reconstruction in that location of the tram shed form with a raised roof profile, demolition (circa 36 square metres), reconstruction and extension of cottage in western corner, and the overall construction of a mixed use development ranging in height from one to three storeys (over basement) plus roof pavilion and garden, comprising cultural (circa 311 square metres), retail (circa 94 square metres or circa 562 square metres if the north-west

ground floor unit is occupied as retail space with off sales), café bar (circa 127 square metres), office (circa 594.5 square metres), health centre (circa 700.5 square metres over two floors) and bar/restaurant uses (circa 287.5 square metres or circa 755.5 square metres if the north-west ground floor unit is occupied as a restaurant with bar space).

At basement level, the development will comprise a plantroom and cultural space. At ground floor level, the development will comprise a public plaza with seating, three number retail kiosks (circa 21.5 square metres in total), a community noticeboard with steel canopy, a single storey café bar unit within the cottage walls being retained with a new glazed extension on western elevation, a unit to be either retail with off sales or restaurant with bar use (circa 468 square metres), a cultural venue (circa 311 square metres), office lobby (circa 68.5 square metres) and a retail unit (circa 94 square metres). At first floor level, a total of circa 594 square metres of flexible office space will be provided and health centre space (circa 378.5 square metres), all accessed via lift from ground floor lobby or via external stairs from ground to first floor terrace. At second floor level, the health centre space is continued (circa 322 square metres) and at third floor level a bar/restaurant (circa 287.5 square metres) with external garden area will be provided, with customer access via direct lift from ground floor.

72 number bicycle parking spaces and a bin store (circa 30 square metres) will be provided at ground floor level. The development will be accessed via the existing gates and piers at Castle Street, which will be re-furbished and retained in the development. Service access will be provided via the existing access off Castle Street and via the laneway off Castle Street. The original granite setts and tram lines will be lifted and relaid in their existing layout. The associated site and infrastructural works include provision for water services, foul and surface water drainage and connections, attenuation proposals, all landscaping works, new lighting proposals, green roofs, boundary treatments and electrical plant areas at basement, ground, first floor and roof level. The site is located within the Dalkey Architectural Conservation Area and contains Tram Lines (Protected Structure RPS Number 1463) and Gates and Entrance Piers (Protected Structure RPS Number 1471). All on

a site of circa 0.232 hectares at The Tramyard, Castle Street, Dalkey, County Dublin. Further public notices were received by the planning authority on the 17<sup>th</sup> day of November, 2020.

## **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 2016-2022, the location of the site within the Dalkey Architectural Conservation Area and the proximity of the site to a number of protected structures, the submissions on the file, and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17<sup>th</sup> day of November, 2020 and by the further plans and particulars received by An Bord Pleanála on the 19<sup>th</sup> day of January, 2021, 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.

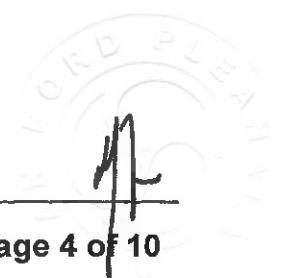
**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

The third floor pavilion, walkway and garden shall be omitted in accordance with the alternative option drawings submitted to An Bord Pleanála on the 19<sup>th</sup> day of January, 2021.

A complete set of revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity, having regard to the location of the site in the Dalkey Architectural Conservation Area and the proximity of the site to protected structures.



3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

4. Prior to first occupation of the ground floor commercial units and the three number kiosks, details of the exact use and opening hours of the units and kiosks shall be submitted to, and agreed in writing, with the planning authority.

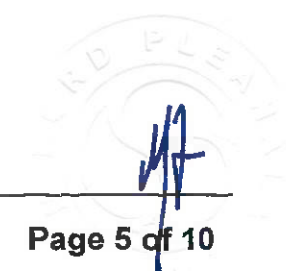
**Reason:** To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

5. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application, unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

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

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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



7. No additional development shall take place above roof parapet level, including lift motor enclosures, 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 the residential amenities of property in the vicinity and the visual amenities of the area.

8. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

9.
  - (a) Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.
  - (b) External lighting shall be directed away from adjacent housing and shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses. Such lighting shall be provided prior to the making available for occupation of any unit.
  - (c) Details of the light fitting proposed for the Entrance Pillars, protected structures, shall be submitted to, and agreed in writing with, the planning authority.

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

10. Electric charging facilities shall be provided for cycle parking and proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric cycles.

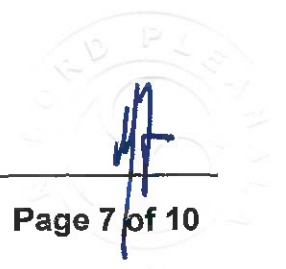
11. The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.

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

12. (a) All relevant mitigation measures outlined in the Noise Report submitted to the planning authority on the 17<sup>th</sup> day of November, 2020 shall be complied with.
- (b) Operational noise levels shall, in any event, not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location or between 0800 hours and 2000 hours, Mondays to Fridays inclusive, and shall not exceed 45 dB(A) at any other time.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.



13. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the planning application submitted, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

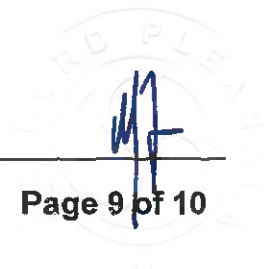
14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.



15. The developer shall facilitate the planning authority in the archaeological appraisal of the site, and in preserving, recording or otherwise protecting archaeological materials or features which may exist within it. In this regard, the developer shall –
- (a) employ a suitably qualified archaeologist who shall test the site prior to commencement of development,
  - (b) submit to, and agree in writing with, the planning authority details of the foundation design to include details of pile layout and pile caps along with a report prepared by a suitably qualified archaeologist on the inspections of same,
  - (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (d) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (e) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site on account of the location within the Zone of Archaeological Potential and to secure the preservation of any remains in situ.

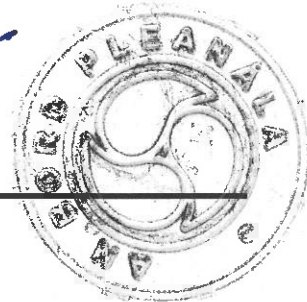


16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

  
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Mitchell Fagan

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



Dated this 23<sup>rd</sup> day of August 2021