



An
Bord
Pleanála

Board Order ABP-317379-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0402

Appeal by Susan McDonnell (Dalkey Community Council) care of Mount Salus House, Mount Salus, Dalkey, County Dublin and by John Heavey and Others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 23rd day of May, 2023 by Dún Laoghaire-Rathdown County Council to grant permission subject to conditions to East Coast Heritage Limited care of Simon Clear and Associates of 17a Bridgecourt Office Park, Walkinstown Avenue, Walkinstown, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission for the construction of a guesthouse accommodation extension to the rear. The proposed development includes the construction of 30 bedrooms of guest accommodation, including two suites and two accessible rooms, in two number two-storey, flat-roofed wings set in a landscaped garden, with a covered walkway link from the bar/restaurant to the new accommodation wings, along with all associated works at The Queen's Public House and Restaurant (Protected Structure), Castle Street, Dalkey, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 4th day of January, 2023 and on the 27th day of April, 2023.

Decision

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

Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the zoning for neighbourhood centre purposes, to the location of the site in an established urban area within the centre of Dalkey Village and to the nature, form, scale and design 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 residential or visual amenities of the area. 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 the planning authority on the 4th day of January 2023 and on the 27th day of April 2023, 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. (a) This permission is for the construction of guesthouse accommodation comprising 30 number bedrooms in two number two-storey blocks to the rear of The Queen's Public House and Restaurant.
- (b) The guesthouse bedroom accommodation hereby permitted shall be used exclusively as guesthouse/holiday accommodation/short-term lettings accommodation, and such use shall be directly connected with the use of the existing The Queen's Public House and Restaurant. The guesthouse accommodation hereby permitted shall not be separated or sub-divided from the existing public house and restaurant premises either by way of sale or letting or otherwise.
- (c) The ground floor bin store on the eastern boundary as shown on drawing CFI-03 shall be removed and the residual area to be amalgamated with the shower/changing room. Revised drawings in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of clarity and orderly development, and to protect residential amenities.

3. All boundary walls shall be protected during the construction phase of the proposed development and retained in their entirety.

Reason: In the interest of orderly development.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 5. Details of the materials, colours, textures and specifications of all the external design/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.

- 6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 as amended, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 7. Drainage arrangements, including the 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 enter into water and/or wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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 amenities of property in the vicinity.

10. The blue green roof areas shall not be accessible except for maintenance purposes only.

Reason: In the interest of residential amenity.

11. 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.

12. 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;
- (b) proposed locations of landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed lighting fixtures; and

- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 13. The proposed development shall comply with the Operational Waste Management Plan received by the planning authority as clarification of further information on the 27th day of April 2023.

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

- 14. The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development including the temporary construction access, traffic management arrangements, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 15. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

- 16. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run

underground within the site. Provision shall be made for broadband connectivity in the development.

Reason: In the interest of orderly development and the visual amenities of the area.

17. 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.



Joe Boland

Member of An Bord Pleanála

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

Dated this *1ST* day of *May* 2024