



An
Bord
Pleanála

Inspector's Report ABP-306731-20

Development

Permission for alterations to part completed public amenity building (Planning Reference D03A/0140) to include commercial use and hotel suites.

Location

Royal Marine Hotel, (Protected Structure) Marine Road, Haigh Terrace and Georges Street Upper, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D19A/0913

Applicant(s)

William Neville & Sons unlimited Company

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

William Neville & Sons unlimited Company

Observer(s)

National Maritime Museum of Ireland

Date of Site Inspection

28th May 2020

Inspector

Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.11ha forms part of the Royal Marine Hotel, located to the southeast of Dun Laoghaire Town centre. The Hotel and its grounds are bounded to the south by Moran Park, with the dlr Lexicon library occupying the southeast corner. Haigh Terrace also forms part of the southern boundary, this includes the Maritime Museum (The Mariners Church) and is part of the Haigh Terrace to Park Road Conservation Area (ACA). The northern boundary consists of vehicular access to the Hotel off Marine Road with modern mixed uses developments of varied heights and styles along the remainder of the northern boundary. To the east is Queens Road and Dun Laoghaire harbour and the Irish Design Gallery which occupies Moran Park House (Protected Structure Ref. 731).
- 1.2. The relevant area which is the subject of this application is surrounded by hoarding and contains a partially constructed structure. It is located to the south east of the entrance to the Royal Marine Hotel, immediately east of the Haigh block and the entrance to the Hotels underground car park. It is bounded to the east by large walls and the dlr Lexicon building. Railings and planting form the southern boundary along Haigh Terrace. On the opposite side of Haigh Terrace there are a number of Protected Structures, including six three storey terrace houses (No 1 to 6 Haigh Terrace) and The Mariners Church (The Maritime Museum). The Church and the dlr Lexicon are bounded by a paved pedestrian civic space which opens onto Haigh Terrace.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for 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 6 no apart hotel suites at 1st and 2nd floor level, modified layouts at basement, ground and first floors, a proposed 2nd floor level, elevational changes and all associated landscaping and siteworks. The development is located within an Architectural Conservation Area.

2.2. The application was accompanied by a Cover Letter and an Architectural Heritage Assessment Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to refuse permission for the following two reasons:

- 1) *Having regard to the context of the subject site, located within the grounds of the Protected Structure of the Royal Marine Hotel, and noting the Protected Structure status of the adjacent National Maritime Museum (former Mariners' Church) and Haigh Terrace properties, and adjacent Haigh Terrace to Park Road Architectural Conservation Area (ACA), it is considered that the proposed development by reason of its design, size and layout would detract from and negatively affect both the character and setting of the surrounding landmark Protected Structures and civic buildings and their grounds, and the architectural character and streetscape appearance of the Haigh Terrace to Park Road Architectural Conservation Area (ACA). The proposed development would thus be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 with regard to built heritage, including Policy AR1 in relation to Protected Structures and Section 8.2.11.2(iii) in relation to Development in Proximity to a Protected Structure, and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2) *Having regard to the provisions of the Dun Laoghaire Urban Framework Plan, Appendix 12 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the proposed development, by reason of its scale and massing, would be contrary to the provisions of Objective 16 of the Dun Laoghaire Urban Framework Plan, as set out in Appendix 12 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, which seeks "the development of a low scale restaurant building of the highest architectural design addressing the new public space between the dlr LexIcon and the Mariners' Church. The redevelopment of the site should respect the vista of the Mariners' Church". The proposed development would, therefore, seriously injure the visual amenities and depreciate*

the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** stated that the proposed development has failed to adequately address and overcome the reasons for refusal set out under D17A/0826 (PL06D.300349) and D16A/0651 by reason of its overall scale, massing and design that would detract from and negatively affect both the character and setting of the surrounding landmark protected structures (including the royal Marine Hotel, the grounds of which the subject site is located within) and civic buildings and their grounds and the architectural character and streetscape appearance of the Haigh Terrace to Park Road Architectural Conservation Area and would therefore be contrary to the provision of the Development Plan with regard to built heritage. The Case Planner recommended that permission be refused for 2 no reasons. The notification of decision issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Municipal Services Drainage** – No objection subject to conditions relating to surface water, SuDS, green roof and hardstanding areas.
- **Conservation / Architects Office** –The design and form of the building combined with the proposed materials is generic in style architecture as opposed to a building “of the highest architectural design” as requested in the Urban Framework Plan. Recommended that permission be refused as it does not accord with Policy AR1 (Protected Structures), Section 8.2.11.2(iii) (development in proximity to Protected Structures) and Objective 16 of the Dun Laoghaire Urban Framework Plan.
- **Transportation** – No objection subject to conditions relating to cycle stands and the submission of a Construction Management Plan.

3.3. Prescribed Bodies

- 3.3.1. There are no reports recorded on the Planning file.

3.4. Third Party Observations

3.4.1. There are three observations recorded on the planning file from (1) Councillor Ossian Smyth, (2) Residents & Owner of Haigh Terrace and (3) National Maritime Museum of Ireland. The issues raised are summarised as follows:

- There is no site notice present for this application.
- Efforts to tidy up the partially completed building works are welcomed.
- Concerns over the increased height of the proposed buildings in the context of the protected structures of Haigh Terrace and the National Maritime Museum.
- The design is not sympathetic to the existing streetscape or building heights and would be visually obtrusive as viewed from the existing protected structures
- The new application does not address the 2017 reasons for refusal
- The creation of an additional pedestrian route behind the established library outbuildings would create a poorly observed area
- The removal of a large portion of the remaining protected historic railing to Haigh Terrace would damage the character of the existing streetscape and the architectural heritage of the riled side of the street.
- The proposal is an improvement on the previous applications but it still does not address issues raised in previous iterations. Neither does it comply with the aims set out in the current Development Plan
- This site has the potential to improve the amenity and interest along Haigh Terrace and in conjunction with the Maritime Museum and the Lexicon building make it a prime connection between the main street and the waterfront.

4.0 Policy Context

5.0 Planning History

5.1. There are two previous planning appeals on this site the details of which may be summarised as follows:

5.2. **PL06D.207858 (Reg Ref D03A/0140)** – The area which is the subject of this appeal is taken from the Royal Marine Hotel site. In 2004 DLRCC granted planning

permission for the refurbishment and extension of the hotel, construction of a new public amenity building (c.994sq.m two storey over basement), construction of a new detached bedroom block (part 2,5, 6 and 7 storey), basement carpark, leisure facilities, civic building. Overall c. 19,772sq.m of floor area proposed (including c. 8,714 sq.m of existing floor area), landscaping, paving routes, reinstatement and relocation of bandstand. The decision was subject to both first party and third party appeals. The Board granted permission in 2005 subject to conditions. The 994sq.m civic building was partially constructed and is the subject of the current appeal.

5.3. **ABP 300349-17 (Reg Ref D17A/0826)** – DLRCC refused planning permission for alterations to part completed two storey over basement public amenity building (Planning Reference No. D03A/0140) to include altered use to 6 no. hotel suites and café, alterations to internal layout and elevations at the Royal Marine Hotel (Protected Structure), Marine Road, Haigh Terrace and Georges Street Upper, Dun Laoghaire for two reasons summarised as follows:

- 1) Having regard to the Protected Structure status of the Royal Marine Hotel and noting the protected status of the adjacent Mariner's Church (National Maritime Museum) and Haigh Terrace, and the Architectural Conservation Area (ACA) designation of the area immediately located to the southeast of the subject site, the design, size and layout of the development would be visually discordant and disruptive and would detract from and negatively affect both the character and setting of the surrounding landmark buildings and their grounds and would seriously detract from the streetscape character.
- 2) The design and scale of the proposed development would be contrary to and conflict with the overall vision for the site and would be contrary to Objective No. 16 which seeks a low scale café/restaurant building of the highest architectural design in the subject location. In addition, the development would seriously injure the visual amenities and depreciate the value of property in the vicinity

5.4. The decision was appealed by the first party. The Planning Inspector recommended that permission be granted subject to conditions. However, the Board refused permission for the following reason:

Having regard to the Dun Laoghaire Urban Framework (URP), Appendix 12 of the Dun Laoghaire – Rathdown County Development Plan, 2016-22 and the design of the proposed development, it is considered that the proposed development would be contrary to and would conflict with the overall vision for the site and would be contrary to Objective No. 16 which seeks a low scale café restaurant building of the highest architectural design in the subject location.

Furthermore, it is considered that the proposed development would be visually discordant and disruptive and would detract from and negatively affect both the character and setting of the surrounding landmark protected structures and civic buildings and their grounds, and the architectural character and streetscape appearance of the Haigh Terrace-Park Road Architectural Conservation Area (ACA).

The proposed development would therefore seriously injure the visual amenities and depreciate the values of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

- 5.5. In deciding not to accept the Inspector's recommendation to grant permission, the Board concurred with the joint view of the Planning Authority's A/Conservation Officer and Senior Architect and considered that *a more appropriate design was required to satisfy the Policy Objective for this important site.*

5.6. **Development Plan**

- 5.6.1. The **Dun Laoghaire-Rathdown County Development Plan 2016-2022** sets out the following:

- Land Use Zoning Objective 'MTC' to protect, provide for and or improve major town centre facilities.
- The site is to the north of the designated Haigh Terrace to Park Road Architectural Conservation Area.
- The site is within the curtilage of the Royal Marine Hotel, Protected Structure, Ref. No.800 (hotel and wrought iron gates (Marine Road). Wrought Iron gates at Queens Road are also a Protected Structure.
- The site is located within lands identified for the preparation of a Local Area Plan.

- There are two public rights of way identified through the grounds of the Royal Marine Hotel: 1) Marine Road to Haigh Terrace and 2) Royal Marine Hotel to Queens Road.

5.6.2. In terms of Built Heritage, the following is of note:

- Section 6.1.3 - Refers to the County's architectural heritage. Policy AR1 refers to the Record of Protected Structures and sets out the scope of their protected status.
- Section 8.2.11.2 (iii) - Refers to development management standards for development within proximity to a Protected Structure and the requirement to protect its setting and amenity.

5.6.3. The following objectives are relevant to the case:

- **Objective – 16** - *To seek the development of a low scale café restaurant building of the highest architectural design addressing the new public space between the dlr Lexicon and the Mariner's Church. The redevelopment of the site should respect the vista of the Mariner's Church.*
- **Objective 17** - *It is an objective of the Framework Plan to seek to upgrade the existing landscape and environs of the Royal Marine Hotel to compliment the design standard achieved at the dlr Lexicon.*
- **Objective 23** - *To seek the creation of an improved pedestrian environment and the rationalisation of car movements at the entrance to the dlr Lexicon and the Pavilion car park through the implementation of the Council's adopted Part 8 scheme PC/o6/10.*
- **Policy AR1** – Record of Protected Structures. It is Council policy to:
 - Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).*
 - Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
 - Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts,*

Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).

- iv. *Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*

5.6.4. **Appendix 4** - Includes the **Record of Protected Structures & Architectural Conservation Areas**. The structures of most relevance in this instance are those immediately adjoining the appeal site as follows:

- Royal Marine Hotel (RPS No. 800), the site is within the curtilage of this structure.
- The Mariners Church (RPS No. 798).
- No. 1 to 6 Haigh Terrace (RPS No. 802, 807, 820, 828, 835 and 844 respectively).

5.6.5. **Appendix 12** – Includes the **Dun Laoghaire Urban Framework Plan. Section 2.4 The Royal Marine Hotel, Haigh Terrace and Park Road** sets out the following:

- *It is an objective of the Framework Plan to seek to upgrade the existing landscape and environs of the Royal Marine Hotel to complement the design standard achieved at the dlr Lexicon. This will ensure that the Hotel and its gardens realise their full potential as an important green space within the Town and so complement surrounding upgrades to public realm.*
- *The main entrance to the dlr Lexicon is located along Haigh Terrace and addresses the newly developed civic space outside the Mariners Church. It is intended to further upgrade and improve Haigh Terrace to emphasise and create a strong link to George's Street.*

5.7. Natural Heritage Designations

5.7.1. The appeal site is not located within or directly adjacent to a Natura 2000 site. The nearest designated sites are as follows:

- South Dublin Bay SAC (site code 000210) located c.1km northwest of the site.
- South Dublin Bay & River Tolka Estuary SPA (site code 004024) located c. 1km northwest of the site.
- Rockabill to Dalkey Islands SAC (site code 003000) located c. 3km southeast of the site.

- Dalkey Islands SPA (site code 004172) located c3km to the southeast of the site.

5.8. EIA Screening

- 5.8.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal against the decision to refuse permission has been prepared and submitted by Reddy Architecture and Urbanism and may be summarised as follows:
- The planning report misleadingly references a preplanning consultation. There was no such consultation. Submitted that DLRCC did not engage in any meaningful way at preplanning stage and subsequently refused the application without a request for further information.
 - The Planning Authority has a duty to respect the ability and experience of the design architect and the right to bring forward proposals that may not be to the taste of DLRCC.
 - The proposed development must be assessed for scale in the context of the massive new building that has been erected beside the site
 - The use of the term “highest architectural design” is not defined and is entirely subjective.
 - The proposed building addresses the materiality of the surrounding buildings which are eclectic in style. The proposed pavilion sought to actively engage with the competing site conditions of Moran Park, the Royal Marine Hotel, the DLR Lexicon, the Mariners Church and Haigh Terrace and successfully addressed each of this distinct tropisms as follows:

- 1) A meaningful elevation is presented to Haigh Terrace with an entrance to the Pavilion provided at street level
 - 2) The materiality and contemporary angular form of the buildings forms an architectural dialogue with the DLR lexicon
 - 3) The upper levels of the pavilion are rotated from the central core and step back to draw the view towards the spire of the Mariners Church and to provide views from the bedrooms suites out over the harbour.
 - 4) The main entrance point to the suites and the ground floor café addresses the front plaza of the hotel and Moran Park, bringing active uses at street level.
 - 5) A much-improved pedestrian route through the site to the front of the Mariners Church is provided
- Objective 16 does not give a reference point as to what “low scale” means when set in juxtaposition to the enormity of the Lexicon or in comparison to the spires of the Mariners Church or in comparison to the height of the Victorian period buildings that front towards Haigh Terrace on the east side, which are 3 storey with high internal ceilings; equivalent to a modern 4 storey.
 - When viewed within this context it is clearly comparatively low in scale, being lower than all buildings within its localised context.
 - The upper floors of the proposed building are reduced in area (footprint) and set back so as to maintain views towards the church, reducing the impact of the building and ensuring a more elegant form.
 - The prescriptive nature of Objective 16 for a café is problematic, given that at present there are a significant number of coffee shops in Dun Laoghaire town centre and their viability is challenging.
 - Previously An Bord Pleanála granted permission for a building that was equivalent to which is now proposed and on the same footprint. The proposed revised building is suitable for the location. It is modern in design. It is not generic, and it tops off an existing basement and over ground foundation which is solid in form. The proposed development compliments its setting.
 - The proposed development will contribute to the achievement of the DL RCC Part VIII proposal for Haigh Terrace because the material in the Part VIII proposal have

been copied into the development where it meets the public realm. The lexicon addresses newly developed civic space outside the Mariners Church.

- DLRCC has missed the opportunity to engage in achieving an appropriate redevelopment at this location with materials in the public realm matching those proposed by the authority itself. Conditions could have been applied to this effect.
- The building is in the location indicated in the Masterplan and previously permitted by An Bord Pleanála for a more substantial building. The change in the roof profile reveals more of the front elevation of the Mariner's Church to the view in the direction from Marine Road.
- The Masterplan indicates an angled roadway to open up the views to the Church as one proceeds along it. There never was an intention to provide a view to the Church from Marine Road itself. This has been confirmed in the previous planning permission granted under ABP 243209 which development is nearing completion.
- If An Bord Pleanála deem it necessary the applicant is willing to modify the design proposals to reduce the scale of the building, by way of removal of the 2nd floor and or a redesign of the 2nd floor to reduce it in size and create a further step in the building form. In order to assist in the assessment of these potential options the applicant has submitted a proposal omitting a floor from the design. The Board is requested to consider this variant to the scheme.

6.2. Planning Authority Response

- 6.2.1. DLRCC in their submission state that they have no further comments.

6.3. Observations

- 6.3.1. There is one observation recorded on the appeal file from National Maritime Museum of Ireland. The issues raised are summarised as follows:
- A suitable development that would complete this part of the hotel site and tidy up this stretch of Haigh Terrace that is an eyesore is to be welcomed.
 - While the scheme addresses some of the issues raised in previous iteration with the addition of an extra floor it presents a much larger intrusion

- The protected view of Mariners church which houses the Museum, when seen from Marine Road has not been properly addressed or illustrated in the submission
- The site has the potential to improve amenity and interest along Haigh Terrace and in conjunction with the Maritime Museum and the Lexicon building make it a prime connection between Dun Laoghaire main street and the waterfront. The latest proposal by virtue of its increased size misses this opportunity.

6.4. Further Responses

6.4.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. This assessment is based on the plans and particulars submitted to DLRCC on the 25th November 2019 as amended by plans and particulars submitted with the first party appeal to An Bord Pleanála on the 24th February 2020 whereby the 2nd floor comprising 3 no apart hotel suites has been removed.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Architectural Heritage.
- Design and Scale
- Appropriate Assessment.
- Other Issues

7.3. Principle

7.3.1. The appeal site subject of this development refers to the footprint of a partially constructed building located to the north east of the main Royal Marine Hotel building which is located immediately above the adjacent entrance of the basement car park serving the hotel. The existing partially built structure is at basement level with an exposed concrete floor slab and a substantial section of mass concrete wall protruding

at ground level. The structure is open at the basement level and is surrounded by a hoarding at present. Site photos refer. The proposal is to complete a revised development on top of this uncompleted structure.

7.3.2. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned MTC (Major Town Centre) where the objective *is to protect, provide for and or improve major town centre facilities* and where leisure facilities, hotel / motel and tea room / café uses are permitted in principle. As documented the development would provide for a two storey over basement building, accommodating a basement level “wellness suite” and ground floor level café, both of which would be accessible to the public and 3 no apart hotel suites over the first floor level. The proposed uses located within the grounds of an existing hotel together with the MTC zoning objective for the site are considered acceptable at this location. Further the proposed café would accord with the provisions of Objective 16 of the Dun Laoghaire Urban Framework Plan which seeks the provision of a café restaurant at this location.

7.3.3. Accordingly, the principle of the proposed development is acceptable at this location subject to subject to compliance, with the relevant policies, standards and requirements set out in plan.

7.4. Architectural Heritage

7.4.1. DLRCC in their first reason for refusal state that the proposed development by reason of its design, size and layout would detract from and negatively affect both the character and setting of the surrounding landmark Protected Structures and civic buildings and their grounds, and the architectural character and streetscape appearance of the Haigh Terrace to Park Road Architectural Conservation Area (ACA) and would be contrary to Policy AR1 in relation to Protected Structures and Section 8.2.11.2(iii) in relation to Development in Proximity to a Protected Structure.

7.4.2. The site is located within the curtilage of the Royal Marine Hotel, a Protected Structure, and within close proximity to the adjoining Protected Structures along Haigh Terrace; Mariners Church and No. 1 to 6 Haigh Terrace. Therefore, Policy AR1 and Section 8.2.11.2 (iii) of the County Development Plan applies. While the site is located to the north of the Haigh Terrace to Park Road Architectural Conservation Area the site itself

is not located within this Architectural Conservation Area (ACA) as identified in the current County Development Plan and therefore the relevant policies do not apply.

- 7.4.3. Section 8.2.11.2 (iii) refers to development management standards for development within proximity to a Protected Structure and the requirement to protect its setting and amenity. Policy AR1 protects structures included on the RPS from any works that would negatively impact their special character and appearance.
- 7.4.4. Having regard to the sites sensitive location together with the sites planning history I agree with the DLRCC Conservation / Architects Office that any new build must respect its historic context and not detract from the setting and amenity of Royal Marine Hotel, and the nearby Protected Structures on Haigh Terrace which include the Mainers Church (now the Maritime Museum).
- 7.4.5. The proposed design, as amended is site specific both in architectural form and also in its urban design approach. Further its materiality is contemporary and sympathetic to the newly evolved context of the dlr Lexicon. The building, while subtle in its presence forms a dialogue with the dlr Lexicon whilst respecting the adjacent scale of the buildings onto Haigh Terrace. A small portion of the original railing to Haigh Terrace is to be removed and relocated to form a railed enclosure to an existing basement carpark access stair. The materiality and design of the proposed building and public realm are designed to complement the modern landscaping of the dlr Lexicon and will also tie into the proposed streetscape upgrades onto Haigh Terrace. Any trees that are to be removed to facilitate the development are to be replaced
- 7.4.6. Overall, I agree with the conclusion of the Architectural Heritage Assessment Report that the impact of the proposal as amended on the character of the Protected Structures in the immediate vicinity, in particular Haigh Terrace, the Mariners Hotel and the Royal Marine Hotel, would be minimal compared to that caused by the transformation of the area in recent years. Given the assortment of architectural styles and designs within the immediate vicinity I am satisfied that the architectural quality of the proposed scheme, as amended will not have a negative impact on the surrounding Protected Structures and character of the area. The height, scale and massing, as amended, are appropriate to this area and are within the scale of adjoining developments ensuring it will sit comfortably within its sensitive context. Therefore, I am satisfied that the development would comply with Policy AR1 and Section

8.2.11.2(iii) of the Development Plan. It is therefore recommended that the first reason for refusal be set aside.

7.5. Design and Scale

- 7.5.1. DLRCC in their second reason for refusal state that the proposed development, by reason of its scale and massing, would be contrary to the provisions of Objective 16 of the Dun Laoghaire Urban Framework Plan, which seeks “the development of a low scale restaurant building of the highest architectural design addressing the new public space between the dlr Lexicon and the Mariners’ Church.
- 7.5.2. The scheme has been designed to a high quality and I am satisfied that it has been carefully assessed to address previous planning issues. The ground floor of the building addresses Haigh Terrace and its street level. A new path is created to the north boundary providing direct access both physically and visually to and from the Museum / Lexicon and the lands of the Royal Marine Hotel. The principle views are respected particularly the view between Eblana Avenue and the National Maritime Museum. The volume of the first floor is pulled back from the site boundary on all sides to maintain these views and generate an elegant profile. Balconies on the first floor are facing towards the dlr Lexicon. There are no balconies facing the housing on Haigh Terrace.
- 7.5.3. The proposed materials for the building are already in the towns architectural language. The exterior of the building is to be clad with a mixture of granite stone cladding and fibre cement cladding panels, which is characteristic of the walls, piers and historic structures in the area. The façade along Haigh Terrace has a red brick plinth with bands of granite / cladding between an opaque glazed wall, the red brick being similar to the eastern elevation of the dlr Lexicon. Flat areas of the roof are planted as green roofs increasing the visual amenity of the building. The proposed materials are appropriate to the proposed building and its location.
- 7.5.4. In essence the proposed development would replace a partially constructed structure on a prominent site within one of the town’s main amenity spaces. Given the planning history of the site and wider area together with the tapestry of strong architectural form both recent and historic in the immediate area I am satisfied that the proposed scheme before the Board, as amended, while discreet in its form and scale is of the highest

architectural design and achieves an appropriate balance between the requirements of the Development Plan and the sites historical context. Overall, the scheme would enhance rather than detract from the amenities of the area. In conjunction with its proposed use it would comply with Objective 16 of the Urban Framework Plan which required a low scale café building of high architectural standards that respects the vista of the Mariner's Church at this location. It is therefore recommended that the second reason for refusal be set aside.

- 7.5.5. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.6. **Appropriate Assessment**

- 7.6.1. The nearest designated sites are South Dublin Bay SAC (site code 000210), located c.1.1km to the northwest of the site, South Dublin Bay & River Tolka Estuary SPA (site code 004024) located c.1.3km to the northwest, Rockabill to Dalkey Islands SAC (site code 003000) located c.3km to the southeast and Dalkey Islands SPA (site code 004172) located c.3km to the southeast of the site.
- 7.6.2. There are no direct or indirect links to the nearest designated site. The potential for indirect run off during construction to have a significant effect on the designated site is not likely. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.7. **Other Issues**

- 7.7.1. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that

a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

- 7.7.2. **Apart Hotel** – It is recommended that the proposed hotel suites be used solely as part of the Royal Marine Hotel and that they are not used as separate residences, not be let, sold or otherwise disposed of separate to the Hotel. I am satisfied that this matter can be dealt with by way of a suitably worded condition.
- 7.7.3. **Access & Parking** – The proposed scheme includes the provision of a new pedestrian access way to the south of the site with bicycle parking along the southwestern boundary of the site. Access to the site is either from Haigh Terrace or from within the site, access from east and west of the building is provided. A new pedestrian walkway to the south of the proposed building is also provided, providing direct pedestrian access from the Royal Marine Landscaped gardens to Haigh Terrace and to the Maritime Museum. No street parking is proposed. Parking access will access the site via the existing Royal Marine underground car park. I note the report of DLRCC Transportation where there is no objection to the development subject to conditions relating to cycle stands and the submission of a Construction Management Plan. It is recommended that should the Board be minded to grant permission that a similar conditions be attached.
- 7.7.4. **Drainage** – I refer to the report from DLRCC Municipal Services Drainage that outlined a number of conditions to be attached to any grant of permission relating to surface water, SuDS, green roof and hardstanding areas. I am satisfied that these matters can be dealt with by way of suitably worded condition(s).
- 7.7.5. **Schedule of Floor Area** – As documented by the DLRCC Case Officer details in relation to the schedule of floor areas at proposed ground, first and second floor level were not included in the plans and particulars submitted with this application save for the basement area where the stated floor area is 328sqm. Further they were not included in amended plans submitted with the appeal submission. However the submitted plans are to an appropriate scale and I am satisfied that the floor areas of the overall scheme can be determined accordingly.

8.0 Recommendation

8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **GRANTED** for the following reasons and considerations.

9.0 Reasons and Considerations

9.1. Having regard to the location of the site adjoining an Architectural Conservation Area and adjacent to Protected Structures, the scale and design of the proposed building, as amended and the provision of the Dun Laoghaire County Development Plan 2016-2022, it is 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 Dun 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

10.0 Conditions

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| 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 24 th 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. |
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| | Reason: In the interest of clarity |
| 2. | <p>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</p> <p>Reason: In the interest of protecting the character of the area.</p> |
| 3. | <p>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.</p> <p>Reason: In the interest of clarity</p> |
| 4. | <p>The proposed 11 no Sheffield cycle stands should be spaced a minimum of 1m between stands and a minimum of half of the spaces, (6 no) shall be covered to comply with DLRs “Standards for Cycle Parking and Associated Facilities for new Development Jan 2018”</p> <p>Reason: In the interest of proper planning and sustainable development</p> |
| 5. | <p>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:</p> <ul style="list-style-type: none"> 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 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. e) The landscaping shall be carried out in accordance with the agreed scheme. <p>Reason: In the interest of visual amenity.</p> |

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| 6. | <p>a) Details of signage, including method of illumination, shall be submitted to the Planning Authority and agreed in writing prior to the commencement of development.</p> <p>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.</p> <p>Reason: To protect the visual amenities of the area.</p> |
| 7. | <p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment</p> |
| 8. | <p>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.</p> <p>Reason: In the interests of public safety and residential amenity</p> |
| 9. | <p>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.</p> |

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| | Reason: To protect visual amenities of the area |
| 10. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 11. | <p>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.</p> <p>Reason: In the interest of public health.</p> |
| 12. | <p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p> |
| 13. | <p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p> |

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| | Development Contribution Scheme made under section 48 of the Act be applied to the permission. |
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Mary Crowley

Senior Planning Inspector

22nd September 2020