



An
Bord
Pleanála

Inspector's Report

ABP-312948-22

Development

Retention permission for development consisting of: Change of use of part of existing Club Bar car park to outdoor dining area, along with associated canopy structure and seating.

Location

The Club Bar, 107 Coliemore Road, Dalkey, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D21A/1093

Applicant(s)

Cathleen Sheeran

Type of Application

Retention Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party vs. Refusal

Appellant(s)

Cathleen Sheeran

Observer(s)

1. John Moran
2. Patricia Turley
3. Kevin O'Brien
4. Moya Bourke
5. Simon & Susan Turley
6. Myles Turley
7. Hereward & Frances Turley
8. Lucy Hamilton-Turley

Date of Site Inspection

4th November 2022

Inspector

Stephen Ward

1.0 Site Location and Description

- 1.1. The site consists of two parcels located on either side of Coliemore Road, at the north-eastern edge of Dalkey village centre. The southern portion contains the existing 'Club Bar and Restaurant'. The northern portion stretches between Coliemore Road and Convent Road. It includes a gated vehicular entrance off Convent Road which serves a small car park associated with the bar/restaurant premises. There is a gated pedestrian entrance off Coliemore Road which serves a covered outdoor dining area.
- 1.2. On the northern side of Coliemore Road, the site is bounded by residential properties to the east and west. Further west is a commercial property at the junction of Coliemore Rd/Convent Rd, while the site is bounded to the northeast by the entrance to another residential property (Ashley House). A residential property (Son na Mara) adjoins the eastern side of 'The Club Bar' on the southern side of Coliemore Road.

2.0 Proposed Development

- 2.1. In summary, permission was sought to retain the change of use of part of the Club Bar car park to use as an outdoor dining area, along with associated canopy structure and seating. The covered area extends to c. 50m², and the canopy structure has a height of c. 3.35m. It consists of a steel frame with a transparent polyurethane covering.
- 2.2. It is stated that the structure was installed to facilitate compliance with COVID-19 requirements. The area has a stated capacity of 48 persons consisting of 8 no. 6-person tables. It is stated that the operating hours would be limited to 12:30pm to 10pm Monday to Sunday inclusive.

3.0 Planning Authority Decision

3.1. Decision

By order dated 10th February 2022, Dun Laoghaire-Rathdown County Council (DLRCC) issued notification of the decision to refuse permission. The reason for refusal was as follows:

The application site is located in a Transitional Zonal Area, as set out in Section 8.2.3 of the Dún Laoghaire Rathdown County Development Plan 2016-2022. Having regard to the nature of the use proposed to be retained on 'NC' zoned lands, and the proximity of the application site to 'A' zoned lands, the development proposed to be retained would result in an intensification of use and would adversely impact on the residential amenities of neighbouring residential properties, and would depreciate the value of property in the vicinity. The development proposed to be retained would, therefore, be contrary to Section 8.2.3 Transitional Zonal Areas of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report can be summarised as follows:

- The use is ancillary to a 'public house', which is permitted in principle under the 'NC' zoning objective for the site.
- This is a 'transitional zone' abutting a 'residential area', where Development Plan policy aims to protect the amenities of sensitive zones.
- The proposal would not result in undue overshadowing or overlooking of surrounding properties.
- Notwithstanding this, the planning authority has serious concerns about the change of use and the hours of operation are noted. It would result in an intensification of use which would be detrimental to the amenities of neighbouring residential properties, for example, in terms of noise. As such, it would be contrary to the zoning objective for the site and should be refused.
- The structure would not adversely impact on the visual amenities of the streetscape or wider ACA.
- The application makes no provision for additional cycle parking requirements as a result of the extended public house development.

- In the event of a grant of permission, the matters raised in the Transportation section report would need to be addressed.
- While not specifically raised by the Transportation section, the planning authority would have concerns about the provision of an outdoor dining area which is severed from its associated principal building by a public road.
- It is recommended to refuse permission, and this forms the basis of the planning authority decision.

3.2.2. Other Technical Reports

Drainage: No objections.

Transportation: The report raises the following points:

- The closure of the Coliemore Road entrance would intensify traffic movements at the Convent Road entrance, which has substandard exit visibility and implications for traffic safety. Proposals to improve exit visibility are requested.
- The area may have previously been used for storage purposes and delivery/collection arrangements are requested including details of parking, vehicle manoeuvres, etc.

Public Lighting: No report required.

Conservation Office: No objection as the proposal does not unduly affect or detract from the build character and appearance of the ACA. The streetscape is largely unaffected, and the proposal would not contravene Policy AR12.

3.3. **Prescribed Bodies**

The Environmental Health service outlines that there is no objection subject to the following points:

- Special consideration being given to any proposed extractor fans/generators in order to prevent nuisance from noise or odours. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level. Noise resulting from operations effecting nearby noise sensitive locations shall not exceed the background

level by 10dB (A) or more or exceed the EPA's NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is lesser.

- Adequate storage for waste disposal and recycling facilities on site to the satisfaction of the County Council. Such storage facilities must be pest proof and secure, the area should be located so that it does not cause nuisance by way of smell, noise or attraction of vermin or animals to any area or neighbouring area. Bin storage facilities should be adequately serviced with a water supply, drainage and ventilation.

3.4. Third Party Observations

Nine submissions were received. The issues raised are adequately covered in the observations outlined in section 6 of this report.

4.0 Planning History

The following history was noted in relation to the site:

ENF 24021: Enforcement case opened (September 2021) in respect of the change of use of the car park and creation of outdoor dining space.

P.A. Reg. Ref. D04A/0948: Permission granted (Jan 2005) for the addition of 4 no. fully retractable awnings at The Club Bar.

P.A. Reg. Ref. D03A/0148: Permission refused (April 2003) for the construction of a basement storage area below existing car park to service The Club Bar. The refusal was based on the presence of a public sewer which traverses the site.

P.A. Reg. Ref. D02A/0722: Retention permission granted (Oct 2002) for mechanical plant & equipment and painted timber screen fencing to perimeter of flat roof at The Club Bar.

P.A. Reg. Ref. D98A/1054: Permission granted (Mar 1999) for remodelled street facade at The Club Bar.

P.A. Reg. Ref. D98A/0173: Permission granted (Oct 1998) for general reorganisation and refurbishment of existing lounge and public bar areas, change of

use of existing first floor restaurant to lounge bar, provision for new roof structure over existing flat roof, elevational alterations at The Club Bar.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Although the DLRCC decision was made on the basis of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, that plan has since been replaced by new Dun Laoghaire-Rathdown County Development Plan 2022-2028, which came into effect on 21st April 2022 and is now the operational plan for the purposes of the Board decision.
- 5.1.2. The site is zoned as 'Objective NC', which is '*To protect, provide for and-or improve mixed -use neighbourhood centre facilities*'. It is also located within the Dalkey Village Architectural Conservation Area. The adjoining land to the east and north is zoned 'Objective A', which is '*To provide residential development and improve residential amenity while protecting the existing residential amenities*'. Section 13.1.2. of the Plan highlights the need to protect the amenities of sensitive uses in Transitional Zonal Areas.
- 5.1.3. Chapter 4 'Neighbourhood – People, Homes and Place' aims to increase delivery of housing subject to alignment with the NPF and RSES; the Core Strategy, Housing Strategy, and Housing Need Demand Assessments; and to embed the concept of neighbourhood and community into spatial planning. Section 4.3 deals with 'Homes' and policy PHP20 seeks to protect the residential amenity of existing properties. Section 4.4 'Place' promotes quality design and healthy placemaking in accordance with national policy and guidance. Policy PHP37 aims for all development proposals to contribute positively to enhance public realm.
- 5.1.4. Chapter 6 'Enterprise and Employment' includes Objective E23, which aims to support the achievement of a sustainable night-time economy based upon key principles including inclusivity, diversity, vibrancy and which is underpinned by a consideration of the balancing of needs and co-existence between potentially conflicting uses.

- 5.1.5. Chapter 7 deals with 'Towns, Villages and Retail Development'. Dalkey is included as a 'Neighbourhood Centre' in the overall Retail Hierarchy. Objective RET7 aims to support the development of the Neighbourhood Centres as the focal point of the communities and neighbourhoods they serve, by way of the provision of an appropriate mix, range and type of uses – including retail and retail services – in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.
- 5.1.6. The site is included Dalkey Village Architectural Conservation Area (ACA). Chapter 11 of the Development Plan deals with Heritage and Conservation and Policy Objective HER13 aims to protect the character and special interest of ACAs. Objective HER3 aims to promote and protect the Historic Town of Dalkey as identified by the Department of Culture, Heritage and the Gaeltacht (DCHG) (consistent with RPO 9.27 of the RSES).
- 5.1.7. Chapter 12 of the Development Plan deals with Development Management. Section 12.4 sets out Transport guidance, including standards relating to traffic management, road safety, and parking. Section 12.6 outlines criteria and guidance for the assessment of various commercial/retail proposals in Towns, District and Neighbourhood Centres, including section 12.6.5. which outlines the criteria for the assessment of 'restaurant' proposals. Section 12.9 deals with Environmental Infrastructure and outlines guidance for the assessment of air, noise, and odour impacts etc.

5.2. Natural Heritage Designations

The Dalkey Islands SPA and the Rockabill to Dalkey Island SAC are both located offshore to the east, at distances of approximately 500m and 800m respectively.

5.3. Preliminary Examination Screening for Environmental Impact Assessment

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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

The decision of DLRCC to refuse permission has been appealed by the applicant. The appeal has been prepared by Thornton O'Connor consultants and the grounds of appeal can be summarised under the following headings:

The principle of the use

The appeal contends that the planning authority was satisfied with the principle of the use as follows:

- The planning report outlined that the use was consistent with the zoning objective.
- Reports from the Conservation Division and the planning officer outlined that the proposals would not adversely impact on visual amenity or the ACA.
- The physical nature of the outdoor seating was not deemed to have negative impacts on residential amenity.
- The Transportation Department reported that no additional public lighting was required.

Residential Amenity

- The planner's report does not clearly identify the relevant adverse impacts, but it would appear to be limited to noise.
- Having regard to the limited height and scale of the structure and the existing screening and separation along No. 4 Colliemore Road, there is no expected impact on daylight or sunlight. This was accepted by the case planner.
- The height, scale, and 'street-level' design of the structure means that no physical overbearance of adjacent residences will occur.

- The height, scale, 'street-level' design, and siting/screening of the structure means that no overlooking of adjacent residences will occur. This was accepted by the case planner.
- The design aesthetic is simple, practical, and contemporary, and is respectful of the ACA. This was accepted by the planning authority reports.

Noise

- The appeal notes that noise issues were raised by the planning authority and highlights that No. 2 Coliemore Road is within the ownership of the applicant's family who are supportive of the development.
- A Noise Impact Assessment has been commissioned from James Walsh of Sound Engineering by Design (SED). Using the guidance and thresholds cited by the EHO report, it acknowledges that the current seating area would exceed the relevant noise limits for the Noise Sensitive Location (NSL - No. 4 Coliemore Road). Therefore, it proposes 2 no. mitigation measures to ensure compliance as follows:
 - Installation of a 3m tall by 13m wide 'imperforate' noise reduction barrier along the eastern side of the seating area with a 'Barrier Sound Insulating Performance' of at least 30 dB. This would allow the seating area to operate at full capacity (48 persons) until 19:00 hrs. The barrier will not affect residential amenity as it will be almost entirely screened by the existing hedge.
 - The allowable patronage will be reduced to 30 persons from 19:00hrs to 22:00hrs, which will ensure that the thresholds at the NSL would not be exceeded during the evening period.

Property Values

- Based on the foregoing contentions, it is difficult to determine how the use/structure would result in a depreciation of property values.
- The site is already in use as a car park and is zoned as a Neighbourhood Centre. The new use is not being suddenly created.

- The zoning of the site as 'NC' adjacent to 'A' residential indicates an obvious and acceptable intensification of use, which should be expected.
- The nature of 'intensification' is clearly benign when compared to the activity, pollution, scale/design, and vehicular movements associated with other uses which are 'permitted in principle' or 'open to consideration' on NC lands.
- The Case Planner has not provided an objective basis for determining the depreciation in property values and precedents/examples of same happening.
- The use/structure is directly affiliated with the long-established public house and is not a 'new' use that might influence property values.

Traffic / Transport

- The Traffic and Transportation Department requested further information on some matters, but this did not form the basis of a reason for refusal.
- The car park involves a limited number of vehicular movements and the reduced number of spaces (3 to 4 spaces) results in a reduction of movements.
- The presence of a mirror at the exit is a positive safety feature which should not be used to prevent the continued use of this entrance/exit.
- Convent Road is a one-way northbound route with significantly reduced traffic flows and there is an established pattern of egress from the car park onto Convent Road.
- The issue of sightlines/access along Convent Road must have been considered by the council in their decision to include parking bays and double-yellow lines along the road. Limiting the use of the car park at this stage is a retrospective penalisation of the applicant and a restriction on their right to use and develop their property.
- The roads/streets in the vicinity are narrow and enclosed, which reduces vehicular speeds in accordance with best practice principles.
- The road network in the area is generally safe (with only minor incidents locally) and no collisions have been reported at any of the site entrances/exits according to the RSA online data.

- Historic images showing the use of the site for storage did not reflect general practice. All deliveries take place via the loading bay directly in front of The Club Bar and the new use of the car park does not result in a loss of space for collections and deliveries.
- Cycle parking is not considered necessary having regard to historical practice and the ancillary nature of the use/structure. However, if the Board deems it necessary, it could be provided in accordance with agreed details in an area to the north of the dining area.

6.2. Planning Authority Response

The Planning Authority's response refers to the previous Planner's Report and contends that the appeal does not justify a change of attitude to the proposed development.

6.3. Observations

Eight submissions have been received on the appeal, some of which also refer to the content of the original submissions to the planning authority. The majority of submissions are on behalf of the residents/family of No. 4 Coliemore Rd, while other submissions are on behalf of the residents of 2 Derrynane Terrace and 'Son na Mara' on the southern side of Coliemore Road. The concerns raised in the submissions are generally similar and can be summarised collectively under the headings below.

Zoning

- Despite the NC zoning, this was previously a car park and a garden before that.
- There is a need to protect existing residential uses in transitional zones as per section 8.3.2 of the old Development Plan and section 13.1.2 of the new Development Plan.

Residential Amenity

- The development is causing severe fear and anxiety for the surrounding residents due to the anti-social behaviour, urination, littering, loitering, trespass, and illegal parking of patrons.
- There is no way to mitigate the impacts of development while also protecting the residential amenity of neighbouring residents.
- The letter of support from the owner of No. 2 Coliemore Rd is from a relation of the applicant who does not live in the house.
- The outdoor nature of the development is different to a public house and gives rise to unacceptable noise and disturbance impacts.
- The scale/capacity of the development has a readily understood intensification of use which would impact on the amenities of the area.
- The development has been tolerated on a short-term basis due to COVID-19 requirements but there are serious concerns about a permanent feature.
- The development detracts from the enjoyment of surrounding gardens.
- The driveway of No. 4 Coliemore Road is overshadowed, and this may impact on the future development potential of the property.
- There is a loss of privacy due to overlooking of No. 2 Derrynane Terrace.

Noise & Disturbance

- The operation of the development has caused intensive noise pollution which can last between the hours of 12 noon to 12 midnight.
- The planning authority and the EHO have highlighted noise concerns and the applicant acknowledges that stipulated limits would be exceeded.
- The reduction of patron capacity to 30 persons would be impossible to enforce and would, in any event, cause unacceptable noise impacts.
- The mitigation measures included in the appeal do not reduce potential noise impacts to an acceptable degree.
- To meet 'outdoor' criteria, the structure cannot be enclosed, and soundproofing is not possible.
- The proposed noise barrier would not mitigate noise to all properties, including 'Son na Mara' on the opposite side of Coliemore Rd.

Conservation and visual impacts

- The use is not in keeping with this residential area and significantly detracts from the character of the ACA, which would be contrary to policy AR12 of the Development Plan.
- The structure and materials are incongruous, and the proposed sound barrier would result in further visual impact.

Property Value

- There has been a substantial diminution in the value of No. 4 Coliemore Rd.
- The development detracts from the character of the area and No. 4 Coliemore Rd in particular.
- The DLRCC planner's report clearly outlines that the adverse impacts on character and residential amenity would adversely impact on property value.
- One of the observer's (John Moran) is a Chartered Valuation Surveyor and contends that the development would significantly diminish the saleability of the house and that its value would be reduced by at least 20%.

Traffic Hazard & Convenience

- The development requires waiting staff and customers to cross a busy road, resulting in a traffic hazard and disrupting car traffic.
- Direct access onto the main road poses a hazard for unsupervised children.
- The loss of parking spaces has resulted in parking on adjoining streets and disrupted traffic.
- Increased pedestrian traffic has caused hazards for vehicular movements.
- The intensification of use has interfered with the movements of pedestrians and other vulnerable road users.
- The use of Convent Rd for entry and exit is not safe.

6.4 Prescribed Bodies

None.

7.0 Assessment

7.1. Introduction

7.1.1. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal and relevant Development Plan policy, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Residential amenity
- Visual amenity and built heritage
- Traffic and transport.

7.2. The principle of the development

7.2.1. I acknowledge the location of the site in a transitional zone between the Neighbourhood Centre (NC) and residential zone (A). This is a key issue in the appeal case and the Development Plan clearly acknowledges the need to protect the amenities of sensitive zones, particularly in cases of existing residential properties or where there are abrupt transitions in terms of scale and use.

7.2.2. I note that a wide variety of uses are 'permitted in principle' or 'open to consideration' in the NC zone, including relevant uses such as 'public house' and 'restaurant' being 'permitted in principle'. I also note the Development Plan objectives (including E23 & RET7) which aim to support NCs and their range of commercial uses, including the night-time economy. I acknowledge that the development is ancillary to 'The Club Bar' which operates as a public house and restaurant. Under normal circumstances, it is my opinion that an ancillary outdoor dining area would, therefore, be acceptable in principle within this zone.

7.2.3. However, I consider that the subject case involves unusual circumstances whereby the outdoor area, although still ancillary to the pub/restaurant, is separated by Coliemore Road. There is, therefore, something of a 'standalone' element to its nature and operation. And together with its location directly adjoining a residential

area, I consider that further assessment will be required in relation to the issues outlined hereafter.

7.3. Residential Amenity

- 7.3.1. The impact of the development on the amenities of residential properties is a key issue in terms of Development Plan policy/guidance, the issues raised by third-party objectors, and the planning authority decision to refuse permission.
- 7.3.2. In terms of potential overshadowing and overbearing impacts, I consider that the subject structure is of only limited scale and height. It only minimally exceeds the height of the existing boundary hedge to the east (No. 4 Coliemore Rd) and its scale and height is not excessive given its distance from other surrounding properties. Accordingly, I do not consider that the structure results in any unacceptable overshadowing or overbearing impacts.
- 7.3.3. Concerns have also been raised about privacy and overlooking impacts on surrounding properties. However, there is a strong boundary to the east to protect the privacy of No. 4 Coliemore Road and the development is significantly separated and distanced from surrounding properties along Derrynane Terrace and along the southern side of Coliemore Road. Accordingly, I do not consider that development results in any unacceptable overlooking impacts.
- 7.3.4. The general noise and disturbance associated with the subject use are the main potential sources of adverse impacts on residential amenity. With regard to noise, the Development Plan (section 12.9.3) outlines that development proposals should not generate unacceptable noise levels within the receiving environment, which should be evidenced by way of a noise assessment and/or mitigation measures. It states that assessments and mitigation measures should meet the requirements of the Environmental Health Officer (EHO) and should be designed to prevent a Noise Nuisance.
- 7.3.5. In this case the EHO has outlined that noise resulting from operations effecting nearby noise sensitive locations shall not exceed the background level by 10dB (A) or more or exceed the EPA's NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits, whichever is lesser. I acknowledge that the NG4 Guidance relates to EPA 'Scheduled Activities'

but I am satisfied that the standards referenced by the EHO are appropriate to apply in this case. Furthermore, I note that the applicant has adopted these standards in the Noise Impact Assessment (NIA) submitted with the appeal.

- 7.3.6. The NIA accepts that the predicted noise levels associated with the existing development would exceed the applicable standards at No. 4 Coliemore Road (i.e. 54 dB LAeq, 15 mins between 0700 to 1900hrs, and 50 dB LAeq, 15 mins between 1900 to 2200hrs). I acknowledge the predicted compliance for other properties, and I consider it appropriate to consider No. 4 Coliemore Road as a 'worst case scenario'.
- 7.3.7. It is proposed to install a sound barrier which would decrease the predicted noise level to 52 dB LAeq, 15 mins. While this would comply with the standard between the daytime hours of 0700 to 1900, it would still exceed the evening standard between the hours of 1900 to 2200hrs. Accordingly, it is proposed that the capacity of the area would be reduced to 30 persons after 1900 hours and the NIA predicts that the noise levels would then be reduced to 48 dB LAeq, 15 mins, which would comply with the evening standard.
- 7.3.8. In general, I consider that the installation of a sound barrier is a practical and reasonable approach to noise mitigation. However, I would have serious reservations about the practicalities of applying and/or enforcing any condition which would require a reduced capacity to 30 persons after 1900hrs.
- 7.3.9. Even as it currently exists, there appears to be a difficulty in limiting the capacity of the facility to 48 persons given that the photographs submitted by the applicant and third parties clearly show instances of additional (uncovered) seating in the area to the north of the covered structure. These images may have been representative of the temporary outdoor requirements of COVID-19 protocols, but they are nonetheless indicative of peak demand and the potential for increased capacity. On inspection of the site, I did note the storage of additional uncovered seating to the rear of the site. Furthermore, the issue of potential capacity could be queried further given that the 'site plan' drawing shows a larger area (shaded blue) for which retention permission is sought.
- 7.3.10. In any event, the case must be assessed on the basis of that proposed for retention, which is the 50m² covered area only. I do not consider that the proposed reduction in capacity to 30 persons is practical or easily enforceable and, accordingly, I do not

consider it appropriate to be conditioned as a mitigation measure. In the absence of same, the predicted noise levels (52 dB LAeq, 15 mins) would exceed the proposed evening noise limit (50 dB LAeq, 15 mins as per EPA NG4 standards) and would exceed the existing background evening noise level (41 dB LA90, 15 mins) by more than 10dB. I consider this to be a significant adverse impact on the residential amenity of No. 4 Coliemore Road.

- 7.3.11. I acknowledge that there are many variables in predicting noise levels, particularly noise levels associated with people as it is largely dependent on behaviour. However, given the nature of the use and its location adjoining a residential area, I consider that a precautionary approach should be taken by refusing the development to be retained in order to protect residential amenity in accordance with Development Plan policy.
- 7.3.12. Another option available to the Board would be to limit the operation of the development so that it shall not operate after 1900hrs. I do not consider that such limited hours would be consistent with the normal operation of the proposed use, and I am not recommending this approach. In any case, the restriction of opening hours would not satisfactorily address the other outstanding concerns outlined in the following sections of this report.
- 7.3.13. In addition to noise, I note the other disturbance concerns raised relating to anti-social behaviour etc. Again, I acknowledge that behavioural patterns for a particular use are difficult to predict. However, I have noted the testimonies outlined in the 3rd party submissions and I am conscious of the common acceptance that alcohol consumption and public houses (including ancillary uses) can result in increased anti-social behaviour. And while a public house is permitted in principle in the NC zone, I consider that the control of behaviour is more difficult in this case given that the outdoor area is significantly distanced and severed from the main public house by Coliemore Road. Therefore, I am not convinced that there would be appropriate facilities and procedures in place to appropriately monitor and control patron behaviour.
- 7.3.14. The question of property value is closely related to residential amenity. And while no explicit evidence has been provided as to a reduction in property value as a result of the existing development, I have outlined in the preceding paragraphs my concerns

that there would be significant adverse noise and disturbance impacts on surrounding properties (particularly No. 4 Coliemore Rd). I would accept that this could be to the extent that would result in the devaluation of property.

7.4. Visual amenity and built heritage

- 7.4.1. I acknowledge the location of the site within the Dalkey Village Architectural Conservation Area (ACA) and the policies and objectives of the Development Plan which seeks to protect the character and setting of the ACA.
- 7.4.2. However, as previously outlined, the structure is of limited height and scale. It is largely screened by surrounding vegetation and development and is composed of a lightweight frame with a largely transparent facade. Accordingly, I do not consider that it results in a significant visual impact on the amenity of the area or that it detracts from the built heritage character or setting of the ACA.

7.5. Traffic and transport

- 7.5.1. I note that concerns have been raised about the additional patron capacity and the associated impacts on the capacity of road and parking infrastructure in the surrounding area. Concerns have also been raised about the loss of 3 to 4 on-site spaces as a result of the installation of this facility.
- 7.5.2. However, given the nature of the proposed use and the location of the site within the village centre, I do not consider that it would generate significant additional traffic. This view is supported by the parking standards in section 12 of the Development Plan which indicate that parking should be provided at a 'maximum' rate of 1 space per 50m² in Zone 2. Therefore, the additional seating would generate the requirement of a maximum of 1 additional space. I acknowledge that this must also be considered in the context of the cumulative loss of on-site spaces.
- 7.5.3. Ultimately, I consider that the net reduction in on-site parking will reduce the volume of vehicular movements to and from the site. This is appropriate for a village centre location where more sustainable forms of transport should be encouraged. And given the reduced volume of vehicular movements, I do not consider that there would be a significant intensification of use of the entrance/exit at Convent Road to

the extent that it would endanger or inconvenience the movement of vehicular or pedestrian/cycle traffic.

- 7.5.4. Regarding collection and delivery requirements, I would accept the applicant's contention that adequate facilities are provided in the form of the loading bay/parking area to the front of The Club Bar premises. I note that a small portion of the current outdoor dining area appears to have been used for the storage of kegs according to Google Streetview images for October 2019. However, a review of similar images dating back to July 2009 do not indicate any such use. Accordingly, I am satisfied that the subject development does not significantly impact on the capacity to facilitate storage, collections, and deliveries.
- 7.5.5. Finally, I note the concerns raised in relation to the severance of the site from The Club Bar by Coliemore Rd. I would accept that this would generate significant pedestrian movements across the road, both for patrons and staff carrying food/drink. I acknowledge local and national transport policies which seek to promote shared surfaces and pedestrian priority, and I would certainly encourage the principle of this approach in village centre areas. However, in the absence of suitable road conditions to facilitate shared use, I would have serious concerns that this is a haphazard arrangement which would necessitate excessive pedestrian movements across Coliemore Rd, particularly during busy periods. I consider that this would interfere with the free flow of vehicular traffic and, more importantly, would endanger the safety of staff and patrons by reason of a traffic hazard.

8.0 Appropriate Assessment – Screening

Having regard to the nature of the development, its limited scale, and its significant separation distance from any Natura 2000 sites, I am satisfied that no Appropriate Assessment issues arise. The proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on a European site. Accordingly, a Stage 2 Appropriate Assessment is not required.

9.0 Recommendation

Having regard to the foregoing, it is recommended that permission should be refused based on the following reasons and considerations.

10.0 Reasons and Considerations

1. Having regard to the nature and scale of the development to be retained and its location adjoining a residential area, together with the objectives to protect the amenities of existing residential properties in residential areas and Transitional Zonal Areas as outlined in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the predicted noise levels associated with the development to be retained would seriously injure the residential amenity of adjoining property, and that the proposed mitigation measures are inadequate to satisfactorily address the impact. Therefore, the development to be retained would be contrary to Development Plan policy and the proper planning and sustainable development of the area.
2. Having regard to the isolated nature of the development to be retained relative to the host commercial property, including the severance of the overall site by Coliemore Road, it is considered that the development to be retained represents a haphazard and uncoordinated approach to development within the Neighbourhood Centre. The Board is not satisfied that the arrangements would facilitate the appropriate monitoring and management of the development to be retained, which would give rise to an unacceptable risk of disturbance and anti-social behaviour. Furthermore, the development to be retained would necessitate significant pedestrian traffic across Coliemore Road, which would endanger public safety by reason of traffic hazard and would lead to conflict between vehicular traffic, pedestrians and cyclists. The development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Ward
Senior Planning Inspector

15th November 2022