

# Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

**Reg. Ref.:** D17A/0951 **Date Received:** 26-Oct-2017  
**Add. Info Req'd:** 15-Dec-2017, 05-Mar-2018 **Add. Info Rec'd:** 07-Feb-2018, 21-Mar-2018  
**Name & Address:** Cathal O`Neill + Associates, 33, Pembroke Road, Dublin 4  
**Development:** Permission for demolition of the existing 4 storey building of 1593 sqm and its replacement with a 1164 sqm two-storey, public house/restaurant with terraces and set-back penthouse (3 storeys in all) and 2 no. three-storey apartment building and additional set back penthouses (4 storeys in all), of area 2724 sqm and 2519 sqm respectively, with balconies, retractable awnings, green roofs and photovoltaic panels, each containing 25 no. apartments (11 no. 1 bedroom, 30 no. 2 bedroom and 9 no. 3 bedroom in total); together with two levels of basement carparking accessed from the existing entrance off Wilson Road, (the existing Deerpark Road vehicular entrance to be closed off), to have 119 car spaces, 12 motorbike spaces, a goods loading bay / plant / sub-station / attenuation tanks / refuse storage; individual residents' storage rooms and 66 bicycle spaces; 11no. street-level cycle parking spaces, associated communal and public open space landscaping, including a public terraced area.

### CONTRIBUTION

S.48 Surface Water €12,944.96

S.48 Roads €296,479.78

S.48 Community & Parks €192,446.40

S.48 Special Contributions

S.49 Luas Line B1

S.49 Glenamuck/Kilterman Scheme

### SECURITY

Location: Site of Union Café and, Kennedy`s Public House, bounded by Deerpark Road, North Avenue and Wilson Road, Mount Merrion, Blackrock, Co. Dublin

BOND/CIF: €250,500.00

CASH: €151,700.00

**Applicant:** Tomose Ltd  
**App. Type:** Permission  
**Level of Decision:** Director of Planning

**Report**  
**(Shane Sheehy)**

**Signed:** \_\_\_\_\_  
**Case Planner**

**Dated:** \_\_\_\_\_

Site Address - Site of Union Café and, Kennedy`s Public House, bounded by Deerpark Road, North Avenue and Wilson Road, Mount Merrion, Blackrock, Co. Dublin

Proposed Development - Permission for demolition of the existing 4 storey building of 1593sqm and its replacement with a 1164sqm two-storey, public house/restaurant with terraces and set-back penthouse (3 storeys in all) and 2 no. three-storey apartment building and additional set back penthouses (4 storeys in all), of area 2724sqm and 2519sqm respectively, with balconies, retractable awnings, green roofs and photovoltaic panels, each containing 25 no. apartments (11 no. 1 bedroom, 30 no. 2 bedroom and 9 no. 3 bedroom in total); together with two levels of basement car parking accessed from the existing entrance off Wilson Road, (the existing Deerpark Road parking vehicular entrance to be closed off), to have 119 car spaces, 12 motorbike spaces, a goods loading bay / plant / sub-station / attenuation tanks / refuse storage; individual residents' storage rooms and 66

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bicycle spaces; 11no. street-level cycle parking spaces, associated communal and public open space landscaping, including a public terraced area.

#### Zoning

The subject site is zoned 'NC': 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities'.

To the north and east of the subject site is an area zoned 'A': 'To protect and or improve the residential amenities of the area'.

To the south and northwest of the subject site is an area zoned with the development objective 'F': 'To preserve and provide for open space with ancillary active recreational amenities'.

A Protected Structure is located to the North of the Site - Stansted.

#### Relevant Planning History

D16A/0370 - Permission refused for the demolition of the existing four storey building containing the pub and café/restaurant and the construction of a four to five storey mixed use building of 15,800sqm gross floor space, over a one to three level basement (from Deerpark Road datum). The building will have parking for retail customers (113 cars) at Level -3, 1 retail unit (1,300sqm) 1 service yard and ancillary facilities, 1 gymnasium (350sqm) and 1 café (265sqm) at Level -2, 3 further retail units (totaling 450sqm), car parking for residents (72 cars, 46 bicycle spaces) and an open public terrace at Level -1, 1 restaurant (410sqm), 1 pub (200sqm) and two courtyards with a play area at Level 0 (1,040sqm). A roof garden is to be located at level +3 (200sqm). 46 residential dwelling units (3 one bed, 34 two bed and 9 three bed units) located across Levels 0 to 4, amenity spaces for residents located across Levels 0 to 4 and ancillary site works to include boundary treatment and landscaping. Various plant provisions are located throughout the building. 38 non-resident bicycle spaces will also be provided on site. Vehicular and pedestrian access Deerpark Road, North Avenue and Wilson Road.

PL06D.247083 – the application was refused by An Bord Pleanála –

1. Having regard to the sites prominent location and to the character of the area, it is considered that the proposed development, by reason of its scale, siting, layout, bulk and height, would not comprise an appropriate design response and would relate poorly to its receiving environment, seriously detracting from the area in terms of visual amenity. Furthermore, the quantum and form of retail raises concerns with regard to traffic generation. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

#### Adjoining site 'Flanagans'

D15A/0121 & PL06D.245755

Permission Granted for demolition of the furniture store and construction of a 5.214m2 mixed-use building of between three and six storeys with balconies and retractable awnings, over a basement car park for 92 cars, 48 bicycle spaces, 6 motorbike spaces,

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refuse storage and individual residents' storage rooms. The building will have 4 office units totalling 282m<sup>2</sup> at ground floor level, 48 residential dwelling units (10 one-bed, 27 two-bed and 11 three-bed units) amenity space for residents and all ancillary site works to include boundary treatment, landscaping and plant at roof level. Vehicular access to be from Deerpark Road and non-vehicular access via an existing footpath from Wilson Road.

This development has not been carried out to date.

D13A/0313 (PL06D.242455): Permission was refused for development consisting of the demolition of the vacant furniture store building and the construction of a two-storey convenience shop of 3137 sqm gross, with 1615 sqm net sales area at ground floor; 975 sqm at first floor containing a café area, stock room and staff and ancillary rooms; basement carpark and access ramp with parking for 89 cars, 4 disabled spaces at street level and 20 bicycle parking spaces, off street off-loading area, feature brick faced tower, 16m high, in new front elevation and all ancillary site works to include boundary treatment, landscaping and plant at roof level. The site adjoins public open space at Wilson Road and a pedestrian walkway between Deerpark Road and Wilson Road, which will be maintained.

Permission was refused by the Planning Authority for 5 reasons and An Board Pleanála for three reasons which were broadly similar to the Planning Authorities reasons and are set out below:

1. Having regard to the "Retail Planning Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in April, 2012 in which it is stated that the threshold at which a Retail Impact Assessment will be required will be determined in the context of the policies set out in the current Development plan for the area and objectives for retailing and to the thresholds set in relation to Retail Impact Assessment in the Development Plan, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal and in the absence of a Retail Impact Assessment, that the proposed development would not lead to the over-provision of retail facilities sufficient to undermine viability of existing businesses in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site and to the established pattern of development in the area, it is considered that the proposed development, would not comprise a sufficiently high quality of design, particularly the side and rear elevations, on this landmark site, and would relate poorly to the area's built fabric in terms of its bulk, visual connection, layout, animation and scale. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that there is sufficient capacity within the surrounding road network to accommodate the traffic generated by the proposed development. Furthermore, it has not been demonstrated that adequate levels of car parking have been provided within the curtilage of the site. The proposed development would, therefore, result in on-street parking and generate traffic turning movements that would tend to create serious traffic congestion, and would endanger public safety by reason of traffic hazard.

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### 54 Wilson Road

D15A/0799 Permission for development at the site adjoining no 54 Wilson Road. The development will consist of amendments to the previously granted permission - Reg Ref D07A/0457 and An Bord Pleanála PL06D.24068 (for 4 no semi-detached houses) - to provide 4 no. detached single family houses, each measuring 155 sq.m in area.

This development has not be carried out to date.

### 40 Greenfield Road

D07A/0457 and An Bord Pleanála PL06D.24068 Permission granted for 4 semi-detached dwellings.

Enforcement

None.

Preplanning Advice

PAC/239/17 - August 2017 - Pre Application sought for the redevelopment of the site.

PAC /88/17 - Feb 2017 - Pre Application Advice sought for a mixed used development.

PAC/561/15 - October 2017 - Redevelopment of the site for a mixed use scheme.

### Site Description and Context

The site is located within the Mount Merrion area which is a mature suburban mainly residential area and is within the Deerpark neighbourhood centre. The site is bounded by Deerpark Road, North Avenue and Wilson Road. It immediately adjoins a commercial site know as Flanagan's which is vacant and beyond are motor repair and sales garages.

There has been an Bord Pleanála decision to grant permission to demolish the Flanagan's building and to construct a mixed development (see planning history).

To the south-east is Deerpark which contains a large natural style playground which front onto Deerpark Road opposite the subject site.

To the south-west is a two-storey parade of shops which includes retail units, cafes, a pharmacy and other commercial units.

To the north is a wooded area which form part of the rear garden of Stansted, a Protected Structure. To the north-west on Wilson Road is a further undeveloped site and beyond single/dormer dwelling houses. To the east is a roundabout and beyond is a car park, Church of St Therese, parish centre and a national school known as Scoil San Treasa.

The road to the east of the subject site is North Avenue which is one of the main routes through the Mount Merrion Area and contains traffic calming measures. Deerpark Road to the south of the site contains linear on-street parking up to the entrance with the subject site and beyond this entrance there are double yellow lines and a 3 tonne weight vehicle restriction in place. Wilson Road is located to the north of the subject site, adjoining Wilson Road is a green verge and footpath.

The subject site is a site of a stated 0.44 hectares and contains a public house and café/restaurant, and shop of 1,593sq metres. The existing building reaches +70.9 metres OD level. The existing building on site is not of any particular architectural merit.

The site is bounded by a low wall with hedges and some tree planting. There is a backdrop of wooded areas from the park and the woodland associated with Stansted that is a Protected Structure.

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The existing building is 2-3 storeys in height reading as a dormer building from Deerpark and North Avenue and 2-3 storeys from Wilson Road. There are significant level differences across the subject site. The falls from east to west and also from south to north.

#### OBJECTIONS/REPRESENTATIONS

80 objections/submissions were received.

Below is a summary of the issues raised -

#### Density

- Density is excessive.
- Scale of the development is too much for the area (low density).
- Layout is too cramped.
- 

#### Planning History/Design/Height

- The pub and restaurant element of the development has been moved substantially closer to the dwellings at North Avenue. (Health and safety concerns, close to a busy roundabout and a blind bend).
- The overall, size, scale and location of the pub / restaurant is out of character with the surrounding area.
- The buildings proposed are too high and should be stepped down.
- Elimination of retail element associated with previous application is welcomed.
- Proposed buildings do not retain the character of the area.
- External cladding finish should not be aluminum - suggests granite (similar to the Church) finish that is in keeping with the character of the area.
- The proposed development combined with the Flanagan's application results in 100 apartments being condensed into a short of stretch road.
- The surrounding area comprises of low density two storeys housing with narrow roads, the road network is not designed to take high volumes of traffic.
- Large apartment developments should be located next to public transport hubs.
- Scaled back proposed development is a step in the right.
- A three storey maximum and a density closer to that of the surrounding area would be appropriate on this site.
- The proposed development by reason of its height, density, would be visually obtrusive and be out of character with the surrounding area.
- There are only three Art Deco style buildings in Mount Merrion which is not enough to form an architectural argument in favour of the proposed design.
- Proposed development will tower surrounding 2 storey dwellings.
- Development should be set back within a boundary wall and landscaping.
- Introduction of a copper finish would set a precedent in the area.
- The proposed cladding would detract from the views of Dublin Bay.
- The development fails to overcome the previous reasons for refusal.

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- The need for housing can be addressed with a better design.
- Site is elevated, development is too high and would be highly visible.
- A development of 1 and 2 storey houses would be more appropriate on this site.
- The scheme does address the need for affordable housing and the units are not being built for social housing.
- Three apartments are only accessible via steps and would not be compliant with Part M of the Building Regulations
- Current site and Flanagan's site represent dramatically more floor area than the existing buildings on site.
- Proposed development will have a far greater footprint than the existing building on site.
- Applicant may submit a further application to expand the development at a later stage.
- Policy AR8 should be considered in the assessment of the proposed development taking into account the character of the surrounding area.

#### Residential Amenity Impacts

- Pub building will be located 30 metres closer to the residential properties on North Avenue.
- Terrace associated with the pub / restaurant will result in noise pollution that is not suitable for a residential area.
- Concerns regarding the proposed deck area on the 3rd floor of the pub / restaurant that will generate noise.
- Upper floor of pub building should only be used as a restaurant and preclude parties and functions to reduce noise.
- Construction management plan should take into account the excavation of the granite bedrock, effect on neighbouring properties should be taken into account in terms of noise and vibration.
- Concerns regarding dust control and asbestos protection during the demolition phase.
- There is no need for a pub in this area, as there are a number of bars and restaurants in the locality. Mount Merrion is not suitable for such a large development.
- Height and intrusive layout would result in a loss of privacy for residents.
- Construction of a 2 tier basement would be disruptive to local residents during construction (pollution).
- No demolition plan has been submitted with the application.
- Construction management plan should be in agreed with neighbouring residents and representatives of the local community.

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- Development would have a negative impact on Stansted Mews development approved under D16A/0909, resulting in overshadowing (limiting solar gain) of an approved passive / active solar development. Separation is only 27 metres from the proposed 4 storey building. The North Building should be restricted to no more than 3 storeys for the passive solar Stansted mews to be viable. According to 2009 Guidelines for Planning Authorities 3 storey buildings require 31 metre separation.
- Proposed courtyard would receive insufficient sunlight due to overshadowing from within the site.
- CGI submitted highlights the impact on houses opposite the site at North Avenue in terms of shadowing.
- It is unclear if the large outdoor screen will remain as part of the development.
- Noise survey should be requested of the applicant.
- Balconies and terraces associated with the pub building should be removed along with restrictions on the opening hours.

#### Traffic /Car Parking

- 1- There is not enough parking provided for the proposed development that will put pressure on the local roads for on street parking.
  - There should be no left turn from the exit of the development onto Wilson Road.
  - Traffic calming measures should be introduced as part of the development.
  - The proposed works extends to the edge of the footpath on Wilson Road, encroaching onto the communal area.
  - There are concerns that the proposed development will exacerbate existing traffic problems due to the narrowness of Deerpark Road and Wilson Road and cars parking on those roads.
  - This application for 50 dwellings combined with other recently approved (including Flanagan's) residential developments will cause serious traffic hazards in the area.
  - Concerns for vulnerable people such as the elderly, disabled and school children with the increased level of traffic.
  - Conflicting information in relation to the number of car parking spaces proposed varying figures (114,117,119,124 and 130 spaces in Planning Report and 119 in description)
  - There are serious parking issues on Deerpark Road that affect local traders and residents, proposed development will exacerbate this issue.
  - The development would have negative impact on pedestrian safety, pedestrian friendly facilities throughout the site should be conditioned.
  - Increased volumes of traffic of concern for the safety of children using the nearby playground.
  - Concerns with HGV traffic during construction.

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- Generally people above 60 live in this area, new development would result in an influx of residents with small children, both at risk of traffic increases.
- Development will put pressure on the Church car park.
- Residents of Mount Merrion already experience traffic congestion, Council need to instigate a traffic plan for the area.
- No provision has been made for pedestrian safety as part of the development.
- There is no traffic calming measures on Wilson Road and this road is currently used as rat run.
- Development will be built up to the pedestrian pathway, development should be set back.
- The current development does not address the previous traffic concerns in the area raised under the previous application D16A/0370.
- Obscured views at traffic junction of Wilson Road and North Avenue.
- This development would represent the 4th construction site in this area, with a sustained construction period of approximately 5 years is unacceptable in this area.
- The location is not a town centre location, rather a suburban location.
- Flanagan's and current site would have 221 car parking spaces, significant car movements.
- Figures used within the Traffic Survey are not indicative of reality and further surveys are required.
- Concerns regarding commercial traffic to and from the site.
- Commercial parking is based on bar / restaurant requirements as opposed to function room, that would require a greater car parking provision.
- Deerpark Road has a 3 ton maximum weight restriction.
- Insufficient detail submitted on three surrounding roads, Deerpark Road, Wilson Road and North Avenue.
- The site is not considered to be highly accessible to public transport as stated by the applicants with the traffic report.
- The Traffic Report submitted is fundamentally incorrect in its assessment of housing estate roads. Author has used NRA design tables for R type roads instead of DMURS.

#### Protected Views and Landscaping

- Area to the front of the site should be used as plaza space omitting the building at the front of the site on North Avenue.
- The view of Dublin Bay from the playground at Deerpark will be obscured.
- Development should not block the views of Dublin Bay – contrary to Policy LHB6 of the County Development Plan.
- There is insufficient green space, trees and shrubbery proposed.
- The developers should be required to introduce more trees along the road frontage.

#### Legal matters



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- An area of land included within the development is in the ownership of the Council.

#### Construction Concerns

- Due to the extent of the works in a residential area, requests construction to commence from 8.30am.
- There is a need for a detailed construction management plan.
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#### Water/ surface water and sewerage impacts

- Water pressures and sewerage systems in the area are challenged; the proposed development would exacerbate this issue.
- Concerns regarding an underground river near Foster Avenue and there are natural springs in the area.
- Flooding is a concern.
- Peak waste flow from the report appears to be a small increase; report does not make it clear if this is achieved through improved water efficiency.
- There are existing surface water issues in the area, it is unlikely that the systems in place could cope with additional residential and commercial outflow.

#### Support

- Development in principle is acceptable.
- Removal of retail element from the development is welcomed.
- The public house has been in operation since the 1950s, at present there is open air seating.
- No amplified music will be played on the terrace.
- A noise survey will be carried out at proximate noise sensitive receptor.
- Applicant operates 35 venues in Dublin, none of which are subject to excessive noise.
- Details of landownership have been submitted.
- There a number of residents in the area who would like to downsize but choices available are limited.

#### Other Matters

- Developer seeking to maximize profits with no consideration for the local community.

The issues named have been taken into account in the assessment of the scheme.

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#### INTERDEPARTMENTAL/EXTERNAL REPORTS

Drainage Planning – Comments received Dec 1st – Requests Further Information

'No analysis of the surface water drainage system has been submitted. The applicant shall provide analysis of the network to show how the surface water drainage system operates for various storm events. It should be noted that hardstanding areas within the site boundary are not permitted to drain to the public carriageway drainage system.

The applicant shall confirm that FFLs and vents are above manhole cover levels. The buildings may be at risk of flooding due to the system surcharging if it is inadequately designed. Appropriate protection of the buildings should be provided for flood events.

The applicant states that the site is impermeable but has used Soil Type 2 for attenuation storage calculations, with no soil characteristics test results submitted to verify this. The applicant shall use a more impermeable soil type, such as Soil Type 4, to calculate the required attenuation volume for the site.

The applicant shall submit calculations for the volume of Interception and Treatment storage to be provided.

The attenuation tank is shown within the basement level car park. The applicant shall provide information on how the tank is to be accessed for maintenance vehicles.

The Green Roof is stated as being extensive but no proposed build up has been supplied. The applicant shall confirm what build up is proposed. The applicant shall also confirm how the green roofs will be accessed for maintenance, particularly high level areas.'

Transportation Planning comments received Dec 6th 2017 – requesting Further Information on the following matters –

The proposed development is likely to increase demand for car parking in the area as well as resulting in a reduction of existing available car parking.

The Applicant has shown in the submitted drawings, 'Car Parking Level -1 / 619 PP5 / Date: 19.10.2017' and 'Car Parking Level -2 / 619 PP6 / Date: 19.10.2017', a total of (54 + 64) 119 car parking spaces for the 50 no. apartments and 1,164 sqm of commercial floor area.

At this location in the Mount Merrion Neighbour Centre, in accordance with the current County Development Plan (2016 – 2022):

Table 8.2.3 'Car Parking Standard', the requirements are as follows:-

- 11 no. one bedroom apartments at 1 car space per one bed unit: 11 required car spaces
- 30 no. two bedroom apartments at 1.5 car spaces per two-bed unit: 45 required car spaces

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- 9 no. three bedroom apartment at 2 car spaces per three-bed unit: 18 required car spaces

Therefore a total of 74 car parking spaces are required. This shall include an appropriate amount of visitor car parking spaces.

The Applicant proposes 50 no. car parking spaces – one per apartment – as stated in Section 4.16 of the submitted 'Preliminary Travel Plan' (dated: Oct. 2017) by NRB Consulting Engineers. This proposed shortfall of 24 no. spaces for residents is not deemed acceptable by the Transportation Planning Section based on the proposed development type and location. The proposed development is in a Neighbour Centre and not within or near a Major Town Centre was such a reduction maybe deemed acceptable.

It is noted that the proposed commercial development is within a neighbourhood centre area and should therefore primarily serve the local community and have limited car parking. The proposed commercial development provision of 65 car parking spaces complies with the current County Development Plan (2016-2022) Table 8.2.4 maximum car parking standards and the current County Development Plan (2016-2022) section 8.2.4.5 in context of application of car parking standards to influence modal shift to more sustainable forms of transport.

It is Council policy and National policy to promote and implement through development management pedestrian permeability/linkages or potential future pedestrian permeability/linkages to adjacent neighbourhoods and facilities, including public transport nodes as per Section 2.2.7.1 – 'Policy ST5: Walking and Cycling', Section 2.2.7.2 – 'Policy ST6: Footways and Pedestrian Route', Section 8.1.1.1 – 'Policy UD1: Urban Design Principles' and Section 8.2.3.1 – 'Quality Residential Design' of the current County Development Plan (2016-2022) and as per Section 3 of the National Transport Authority 'Permeability Best Practice Guide' document (2015).

Transportation requests Further Information for the proposal and revised drawings and details shall be submitted, as appropriate, for the following Items:

1. The Applicant shall submit revised detailed drawings, 'Car Parking Level -1 / 619 PP5 / Date: 19.10.2017' and 'Car Parking Level -2 / 619 PP6 / Date: 19.10.2017', showing the required 74 residential car parking spaces. The Applicant shall also highlight an appropriate amount of visitor car parking spaces for the residential development.
2. The Applicant shall submit a revised detailed 'Transport Assessment' (dated: Oct. 2017) by NRB Consulting Engineers to take into consideration the required standard number of residential car parking spaces.
3. The Applicant shall demonstrate which of the proposed basement car spaces are for:
  - a) Apartment Residents
  - b) Apartment Visitors
  - c) Commercial Staff/Visitors

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4. The Applicant shall submit detailed plan drawings showing all the proposed new footpaths around the development to have a minimum width of 2.0m free of any street furniture to allow for desirable space to allow for people to pass comfortably.

5. The Applicant shall submit detailed drawings showing a required footpath setback a minimum width of 2.0m from Wilson Road road edge, with no obstruction of street furniture along, approximately 70.0m in length, to connect the 'Vehicle entrance to ramp to basement' to the proposed development with the existing footpath outside No. 49 Wilson Road. This is in order to assist with pedestrian/vulnerable road users connectivity. The Applicant shall submit a letter of consent from the relevant landowner (either DLRCC or a 3rd Party) to carry out the required works. Note: The said footpath shall be designed and constructed all at the Applicants own expense to meet Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements as per 'Taking In Charge Policy Document (April 2016)': <http://www.dlrcoco.ie/en/planning/building-control/taking-charge> and 'Taking in Charge Procedure Document'.

6. The Applicant shall demonstrate how the proposed 66 no. cycle parking spaces at the 'Car Parking Level Entry' can be safety designed, in accordance with the Dun Laoghaire Rathdown County Council Cycling Policy (July 2017) [http://www.dlrcoco.ie/sites/default/files/atoms/files/dlr\\_cycle\\_parking\\_standards\\_july\\_2017\\_county\\_council\\_adopted.pdf](http://www.dlrcoco.ie/sites/default/files/atoms/files/dlr_cycle_parking_standards_july_2017_county_council_adopted.pdf), to ensure no conflict with vehicular traffic when entering the proposed development car parking area.

7. The Applicant shall submit a detailed layout drawing showing any entrance barriers to the car parking area set back within the proposed development to allow a sufficient vehicle reservoir to prevent queuing onto the public footpaths and roads. These details shall be in accordance with the UK's Institution of Structural Engineers booklet entitled "Design Recommendations for Multi-Storey and Underground Car Parks" Fourth Edition or other such relevant documents.

8. The Applicant shall provide details to the Public Lighting Section of street lighting they intend to provide for the proposed development including lantern type, lighting column height and type, spacing, light intensity/lux levels, detail/location of the public lighting mini-pillars etc all in accordance with BS 5489-1:2013 specifications. All proposed street lighting shall be shown to be designed in accordance with Dun Laoghaire-Rathdown County Council's February 2015 guidance document for 'Public Lighting Installations in Residential and Industrial Areas'.

9. The Applicant shall submit a detailed Construction Management Plan indicating measures dealing with:

a) Traffic management plan including Construction vehicular access to site in particular to avoid conflict between construction activities, the existing local shops and traffic on Deerpark Road

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- b) How it will be intended to avoid conflict between construction activities and pedestrian movements during construction works
- c) Where it is intended to provide for site staff car parking during construction in that is not acceptable to have long term parking in the nearby residential areas
- d) Proposed measures to minimise /eliminate nuisance caused by noise and dust, proposed working hours and measures to minimise/prevent transfer of dirt to the public road with associated measures to clean the public roads / gully's etc in the vicinity of the site and continuing replacement of roads line markings resulting therefrom.
- e) Details of the type of the construction vehicles to be used during the course of the proposed development. It shall be noted that there is a 3-Ton weigh restriction on Deerpark Road.

Conservation Officer – Comments received December 6th 2017

'The site is in close proximity to Stansted, an Art Deco style house, which occupies a prominent corner site on Mount Merrion. Stansted is listed on the Record of Protected Structures, RPS No. 427. Regard must therefore be had to Chapter 8: Principles of Development, Section 8.2.11.2 (iii) Development in proximity to a Protected Structure. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting.

It is Council Policy under Policy RES3 to promote higher residential densities provided that proposals ensure a balance between protection of existing residential amenities and the established character of the area. In order to enhance and protect ACAs, Protected Structures and their settings, new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.

#### Assessment of Proposed Development

There have been significant revisions to the design from that proposed under Reg. Ref. D16A/070. The current application is for an apartment development of three-storey with set-back fourth storey and a two-storey, public house/restaurant with setback penthouse. The reduced scale, height and massing of the scheme are welcomed and are considered to address some of the previous concerns of the Conservation Officer over the impact on the nearby Protected Structure. However in order to further mitigate any potential impact it is our view that the additional set back storey should be omitted from any grant of permission.'

Parks Department – Comments received Dec 13th 2017 – Requests Further Information

'In relation to the above proposed development, this section has reviewed the application and has the following comments;

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1. Existing Trees

The applicant has submitted a tree survey and impact assessment. There is one species of trees presently on site 'Acer plantanoides' It has been proposed to remove all trees (tree no. 5890 to 5897) from the proposed development.

2. Landscape Design

The applicant has submitted landscape rational, plan, sections & typical landscape details. No information has been submitted in relation to specified landscape maintenance operations; Landscape Contract(s) including an 18-months Defects Liability clause. The applicant has proposed with the consent of DLRCC to insert trees (Quercus robur) & natural stone paving outside the red boundary line of the proposed development.

3. Public realm

Children's play areas are sited where they will be overlooked, safe and contribute to the amenities of the neighborhood. The applicant has not made it clear where the public/ residential boundary is for the residence & restaurants/public house. The applicant has not demonstrated how the various level changes will be addressed, no information has been submitted in relation to safety bars or railings. The public realm is dominated by ramps and paths as a result the open space is very low quality.

4. Proposed trees

The applicant has proposed various trees in the new development. Many of these trees such as 'Pinus sylvestris' may outgrow the development space casting shade across the development. The 'Quercus robur' is too close to the building in the southeast corner of the proposed development/

#### Recommendations

The applicant shall submit further information as follows;

1. Landscape Design Proposals and Rationale

The applicant shall submit a Landscape Design Rationale together with comprehensive and detailed landscape proposals, all prepared by a qualified Landscape Architect (or qualified Landscape Designer), for the written approval of Dlr Parks and Landscape Services. Such proposals shall include the following:-

- Barriers and/or rails
- The public realm at the east edge of the site is very urban
- Levels for grass areas
- Details of Soft Landscape Design: detailed Planting Plan(s) and Planting Schedule(s) [species/varieties, quantities, sizes, rootball presentation, spacings]

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- A timescale for implementation of all proposals, including specified landscape maintenance operations; Landscape Contract(s) to include an 18-months Defects Liability clause, after Certified Practical Completion (by the landscape consultant)

#### 2. Play

In line with the national children's play policy 'Ready Steady Play', the applicant shall provide suitable play opportunities for the future child population within the proposed development. The applicant shall submit an Indicative Play Map showing types of play, age groups catered for and the areas these are to be located. Also, a comprehensive and detailed layout plan, including a play design rationale, shall be submitted for the consideration of Dlr Parks and Landscape Services. The applicant shall submit details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement

#### 3. Public realm

The applicant shall submit a universal access map to demonstrate how the area is universally inclusive. In line with the development plan the applicant shall submit a calculations of the public open space and a clear defined boundary between public and residential areas.

#### 4. Trees

The applicant shall reconsider the proposed tree species as various tree selections will outgrow the development space. '

Irish Water – Comments received Dec 1st - No Objection (Class 1) –

'IW Observations: 1) Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

2) In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

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3) Further information prior to construction shall be submitted to service provider as requested below:

1. Prior to construction the applicant shall contact the IW Local Area Engineer to confirm the exact connection point of the public watermain.

2. Due to the elevation of part of the proposed development (above 2 storeys), such units shall be supplied by low level reservoirs constructed within the site boundary and pumped to the demand points and/or elevated storage tanks. Details of which are to be submitted.

3. Design and installation of water supply within the building shall provide for a potable water supply to each individual apartment/unit. Details to be agreed with Building Control before works commence.

4. Details of the position of the proposed watermains in relation to other underground services shall be submitted. A minimum of 300mm shall be maintained between a water service and any other service. Applicants shall pay particular attention to 'pinch points' where manholes or other covered openings are present

5. Location and detail of all valves, chambers and covers shall be agreed on site with IW Local Engineer prior to installation applicant.

6. If applicant requires a construction supply, the applicant shall make a water connection application. Reason for non domestic metering purpose.

7. 24 hour water storage shall be provided for each domestic and non domestic unit .

8. A separate supply shall be taken from the trunk main to serve each unit ie. The applicant shall not be permitted to take a supply from the adjacent property. Installation of each WSC box shall comply with Service providers guidelines.

9. Applicant shall complete civil and electrical works so to provide electricity to any bulk water meter kiosk that maybe installed by the IW Local Area Engineer including meter chambers and covers.

10. All road crossings shall be valved.

11. No water main shall be laid beneath car parking bays.

12. All materials should be contained within the latest "List of Approved Products and Process" published by the Drinking Water Inspectorate for the United Kingdom under their regulation. Specifications of all water mains and fittings shall be submitted to the IW Local Area Engineer for approval prior to construction.

4) The applicant must install a grease removal unit(s) dimensioned in accordance with (i) I.S. EN 1825 - Parts 1& 2 for Grease Interceptor or (ii) Plumbing and Drainage Institute PDI G101 for Grease Recovery. Plans of proposed grease removal equipment must be submitted to Dún Laoghaire-Rathdown County Council (acting as Agents for Irish Water) for written approval prior to installation. The applicant must also apply for and obtain a Trade Effluent Discharge Licence from Irish Water.'

#### Property Section:

The property section has reported a concern with regard to the ownership of the site. Further clarity should be sought.



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### Proposed Development

The applicant is seeking permission for the following works -

- The demolition of the existing pub and café 4 storey building of 1593sqm.
- Construction of a new 1164sqm two-storey, public house/restaurant with terraces and set-back penthouse.
- 2 no. three-storey apartment building and additional set back penthouses (4 storeys in all), of area 2724sqm and 2519sqm respectively, with balconies, retractable awnings, green roofs and photovoltaic panels, each containing 25 no. apartments (11 no. 1 bedroom, 30 no. 2 bedroom and 9 no. 3 bedroom in total);
- Two levels of basement car parking accessed from the existing entrance off Wilson Road, (the existing Deerpark Road vehicular entrance to be closed off);
- Basements will contain 119 car spaces, 12 motorbike spaces, a goods loading bay / plant / sub-station / attenuation tanks / refuse storage; individual residents' storage rooms and 66 bicycle spaces;
- 11no. street-level cycle parking spaces, associated communal and public open space landscaping, including a public terraced area.

### PLANNING CONTEXT

RELEVANT POLICY FROM 2016-2016 DÚN LAOGHAIRE - RATHDOWN COUNTY DEVELOPMENT PLAN

Chapter 2: Sustainable communities  
 RES 3: Residential Density  
 RES 4: Existing Housing Stock and Densification  
 RES 7: Overall Housing Mix  
 RES 8: Provision of Social Housing  
 ST 2: Integration of Land Use and Transportation Policies  
 ST 19: Travel Demand Management  
 ST 27: Traffic and Transportation Assessment and Road Safety Audits

Chapter 4  
 LHB 6: Views and Prospects

Chapter 8: Principles of Development  
 UD 1: Urban Design Principles  
 UD 2: Design Statement  
 UD 3: Public Realm Design  
 UD 6 Building Heights Strategy  
 UD 7: Urban Tree Planting  
 8.2.3 Residential Development

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- 8.2.4 Sustainable Travel and Transportation
- 8.2.6 Retail Developments
- 8.2.7.3 High Amenity Landscapes, Views and Prospects
- 8.2.8 Open Space and Recreation
- 8.2.11.2 (iii) Development in Proximity to a Protected Structure
- 8.2.9 Environmental Management

Table 8.2.3 and 8.2.4: Car Parking Standards

Section 8.3: Transitional Zonal Areas

RELEVANT POLICY & GUIDANCE

Residential Density Guidelines, 2009

Sustainable Urban Housing Design Standards for New Apartments, December 2015

The standards set out in these Guidelines must take precedence over policies and objectives of development plans.

SUBMITTED DOCUMENTATION

- Plans and supporting statement - Cathal O'Neill Architects
- Town Planning Report – Manahan Planners
- A Tree Survey and Impact Assessment (Arbor Care)
- Design Rationale – Landscape Architecture (Dermot Foley Landscape Architects)
- Energy Statement and Part L Compliance Report (OCSC)
- Planning Submission Drainage Report (JJ Campbell & Associates)
- Transportation Assessment, Safety, Quality and Accessibility Audit and Preliminary Travel Plan (NRB Consulting Engineers).
- Shadow Study (James Horan)
- Visual Impact Assessment Report (James Horan)
- 3D Model

#### PLANNING ASSESSMENT

Principle of Development

Section 1.2.2.2 of the County Development Plan states 'the RPGs recommend in relation to Dun Laoghaire-Rathdown that, as a mostly Metropolitan County, housing delivery should focus on strengthening the urban form of the County through building up major town and district centres at public transport nodes, continuing sensitive infill to counteract falling population and declining services ...'.

Given the site's location within the NC zoning objection, the proposal for a mixed use scheme of residential units and a restaurant and bar facility, within close proximity to a QBC, would be considered acceptable in principle under the Zoning Objective (Table 8.3.6 of the County Development Plan 2016-2022 lists residential uses and restaurants and public house as Permitted in Principle).

Therefore the principle of the proposed development is considered to be acceptable subject to compliance with the policies and objectives of the current County Development Plan

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20106-2022 and the relevant policy and guidance as set out by the Department of the Environment, Community and Local Government.

It is noted that the red line area of the proposed development includes the public footpath and green verge on Wilson Road. The Applicants should be requested to submit evidence of Legal Title of these lands or to submit a letter of consent from the relevant landowners to include these lands. This matter would need to be clarified and addressed given the contents of the third party submissions.

Key changes from the previous application D16A/0370 –

- The overall scale of the development has been reduced. This is evident in the floor area proposed.
- The number of residential units proposed has increased from 46 units to 50 units.
- The overall height has been reduced from 5 storeys to a maximum of 4 storeys.
- There is now only one access point from Wilson Road, there were previously three access points proposed. The existing access off Deerpark Road will be closed off.
- The overall design approach has been amended.
- The retail element and gym have been removed from the proposal.
- Overall floor area of the commercial element has been reduced from 1593sqm to 1164qm
- The overall floor area proposed is 6407sqm including 1164sqm of commercial development.
- Parking has been reduced; the proposal is providing a one for one parking arrangement.

Demolition of existing building on site

The subject site contains an existing building of stated 1,593sq metres. The existing building is in use as Union Café that hosts a number uses including, café/pub/restaurant/artisan food and vegetable shop and bakery. This building is not protected and is not of any significant architectural merit nor does it have a particular streetscape importance which merits its retention.

It is noted that the Conservation Officer does not object to the demolition of the proposed development. Therefore there is no objection in principle to the demolition of the structure.

Density:

The Development Plan seeks to maximise the use of zoned and serviced residential land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system. This has the potential to reduce the urban and carbon footprint of the County.

It is noted that the surrounding residential densities are at generally lower level than what is proposed under the current application, the increase in density in infill sites such as the proposed development is essential to achieving sustainable communities.

The proposed development has a density of 113 dwellings units to the hectare. It is noted that the applicant refers to the density on the site at 125dph within the details submitted.

This exceeds the minimum recommended density for the subject site of 50 units to the hectare given the location proximate to the N11 QBC as per RES 3 in the current County Development Plan and this is welcomed at this location.

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It should be noted that part of the development is non-residential and this would have an impact on the overall density calculation.

Prominence of the site

The topography of the area is a significant feature that results in views and vistas which form an important part of the overall character. The views of significance include those from Deerpark, across towards Dublin City and Bay, and those along North Avenue towards the park and the neighbouring Church. The site for development is one of the most prominent in Mount Merrion that addresses three roads. While a visual impact assessment has been submitted, it does not include a view from further back in Deerpark where the Protected View symbol is shown in the County Development Plan. It is possible that there will be no impact but the applicant should be requested to submit same. A number of submissions have also raised the issue of this view.

#### Layout/Design

The subject site is located at the entrance to the Deerpark neighbourhood centre, on Deerpark Road and also has road frontage onto two residential roads North Avenue and Wilson Road. The applicant has included CGIs to assist with the visualisation of the levels on the site.

An Bord Pleanála's Planning Inspector's report D17A/0370, PL06.247083, made reference to the site's central location in the heart of the neighborhood and its visual prominence provides an opportunity to create a sense of place.

It is acknowledged the proposed development is of a smaller scale and presents a very different design approach to that refused under D16A/0370 (PL06D.247083). The Inspector had raised serious concerns relating to how the proposed development addressed the adjoining streets and the proposal included three separate access points creating a poor space for pedestrians around the perimeter of the site.

The proposed development is arranged in three individual buildings, two residential buildings that are similar in scale and design and a lower building that will accommodate the pub / restaurant area. The proposal also includes an area of communal open space within the centre of the site.

From the plans submitted, it is clear that the development is gated with no public access through the site. The pub restaurant to the front is the only area that would be accessible to the public. The applicant states within the architectural supporting statement that public pedestrian street has been omitted due to concerns raised at pre- planning stage.

The proposed buildings are described within the plans submitted as the North Building that fronts onto Wilson Road, the South Building that fronts onto Deerpark Road and the Union Café that fronts onto North Avenue.

There is one vehicular access to the underground car park that is located off Wilson Road. It is noted that this is the access for both residential and commercial vehicles. The basement areas contain vehicular and cycle parking for the pub/restaurant, the residential element, bin stores, attenuation tanks, additional storage for the apartments, as well as a loading bay for the pub / restaurant.

There are pedestrian entrances directly into the North and South Buildings from both Wilson Road and Deerpark Road with a gated pedestrian entrance to the apartments that is

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located between the pub and restaurant. From the plans submitted it is unclear how the pedestrian accesses to the residential element from Deerpark Road (x 2) and North Avenue are finished as there are no details of this. The plans show that the development including the central garden area will be closed off the public and gated to the residents only.

#### Contemporary Design Approach

All three buildings proposed take on a contemporary design approach. The site is not within a Conservation Area although there is a Protected Structure to the North of the site. There were no concerns raised in relation to the contemporary design approach on the previous application nor did it form part of the reason for refusal (D16A/0370 (PL06D.247083)). The Planning Authority has no concern in relation to the contemporary design proposed.

#### Pub Restaurant Building

The pub/ restaurant building is located to the front of the site fronting North Avenue, and is two stories in height with a penthouse set back. The architectural approach is notably different to that of the residential buildings. The building addresses all three roads with extensive glazing at ground level fronting North Avenue that provides an active frontage at street level. It is considered that the design and relatively modest scale and height of the pub/restaurant building addresses the change in levels and prominence at this portion of the site.

The proposed building is 30 metres in width and approximately 11 metres in height, the building is set at the lowest part of the site. The building is set back 2- 9metres from the footpath, due to the change in levels, the entrance to the pub/restaurant is raised from street level.

#### Southern Building

The southern building fronts Deepark Road, and has a width of 43 metres, although the overall bulk and massing is broken up as the heights proposed stagger downwards with the natural topography of the site. There is a separation of 6.5 metres from the side of the approved Flanagan's development and the side of the proposed South Building.

The building addresses the street with two pedestrian accesses from the street providing an active frontage to Deerpark Road.

#### Northern Building

Under the previous application D16A/0370 (PL06D.247083), the Inspector had raised concerns as to how the relationship between the building and the surrounding development functioned. It was considered to be very poor as it failed to respect the difference in scale at the interface. It is clear from the current proposal, that the development utilises the varying levels on the site to stagger the building heights, with the highest point of the site to the rear adjacent to the Flanagan's site (PL06D.245755). Drawing number 619 PP9, demonstrates the positive relationship between the existing building at the neighbouring site Flanagan's and the approved building yet to be constructed.

In terms of appearance, the North Building at its highest point measures circa 14m, the approved development at Flanagan's at its highest point measures circa 17.8m. The existing building at Flanagan's measures 16 metres. Ground floor units will have own door access to Wilson Road.

The building is set back 6m from the northern boundary of the site.

The overall height, scale and massing of the development has been greatly reduced from that refused under D16A/0370 (PL06D.247083), this is most evident from the contiguous elevations of Wilson Road and Deerpark Road.

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#### Overall comment

The overall height, bulk and massing have been reduced with lower buildings, and breaking up the massing and built form with extensive use of glazing, horizontal banding, and a vertical emphasis within the architectural detailing and use of setbacks at roof level creating a sense of spacing and sky gaps, and physical breaks in the buildings proposed.

#### Building Height:

Policy UD 6 of the current County Development Plan refers to the 'Building Height Strategy' contained in Section 4.8 of Appendix 9 to the current County Development Plan states that 'apartments or townhouse type development or commercial developments in established commercial core of these areas to a maximum of 3-4 storeys may be permitted in appropriate locations, for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on existing character and residential amenity. However it is also noted that 'the maximum height of 3-4 storeys for certain developments cannot apply in every circumstance'.

The proposed development at its highest is 3 storeys with a penthouse level on both residential buildings and three storeys for the proposed restaurant /pub building. It is noted that the neighbouring approved building at Flanagan's is 5 storeys in height.

The Conservation Officer has stated that the reduction in scale, height, bulk and massing from the previous application addresses some of the previous concerns of the Conservation Officer over the impact on the nearby Protected Structure.

The report from the Conservation Officer which suggests the omission of the setback floor is noted. However, having regard to the distance between the proposed apartment block and the Protected Structure of circa 54 metres (see elevation drawing 619 PPO it is not considered that the proposed development will have a negative impact on the Protected Structure.

In addition development has been granted under D16A/0909 for 4 residential units between the Protected Structure and the site.

The proposed development with heights no more than 4 stories is considered to be accordance with the Appendix 9 of the County Development Plan (2016-2022). Further to this, in the wider context the proposed heights are staggered down from the neighbouring approved development at Flanagan's and would be considered appropriate at this location.

#### Overlooking

Policy RES 3 of the current County Development Plan requires that there should be 'a balance BETWEEN the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.'

#### North Avenue

The closest opposing windows are in excess of 40 metres away on North Ave. It is considered that significant overlooking does not occur to existing dwellings on North Avenue. In a similar way significant overshadowing will not occur of existing dwellings.

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#### Wilson Road

Under D16A/0909, permission was granted for 4 semi-detached properties at the Northwest corner of Wilson Road and North Avenue that is directly to the North of the current site. It is noted that this development has not been implemented to date. It is unclear from the plans submitted, whether there is sufficient separation between the current development and the approved dwellings.

It is noted that the approved dwellings under D16A/0909, are set back between 6.51m and 7.8m from the edge of the site. The applicant is requested to submit additional plans and details clearly demonstrating the separation distances from the surrounding residential properties, on Wilson Road including those permitted under D16A/0909.

#### Within the site

There are no concerns in terms of overlooking within the site, as the plans submitted illustrate that there are separation distance of 22 metres between opposing habitable rooms within the North and South Buildings.

#### North Building –

Windows on the east and west elevations are secondary habitable room windows, there are no balconies on the east and west elevations.

#### South Building

There are no concerns regarding overlooking from the South Building as the playground lies to the south of the site. Windows on the east and west elevations are either secondary windows or angled windows and balconies.

#### External Finishes

The proposed development is located in a suburban site which has a sylvan suburban character. The proposed development takes on a contemporary design approach that is different to the surrounding development in terms of its scale and also its appearance and finishes.

Finishes are stated as:

- Extensive use of floor to ceiling glazing
- Louvered panels
- Honey coloured bronze anodized aluminum and louvres in darker shades
- The pub restaurant building shall be finished in a dark red brick and glazing.

While it is noted that the finishes are of a high quality and that CGI images have been submitted. No detail of the treatment of the terraces and balconies proposed have been submitted, the applicant shall be requested to submit this detail by way of Further Information.

#### Sustainable Urban Housing Design Standards for New Apartments, December 2015

An accommodation schedule has been submitted setting out the floor area, and storage space associated with each of the 50 proposed apartments. All of the apartments proposed significantly exceed the minimum floor areas set out in the Guidelines. The one bed apartments are 70 sq metres (45 sq m min), two beds range from 88-130 sq metres (73 sq m min) and 3 beds are 124- 143 sq metres (90 sq m min). No studio apartments are proposed within the proposed development.

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Chapter 3.11 requires a minimum 50% of apartments to be dual aspect; the floor plans indicate that all are dual aspect. With regard to lift and stair cores the guidelines allow up to eight apartment units per floor per lift/stairs core. The proposed development only has 2 or 3 units per floor per lift/stairs core. The guidelines require a floor to ceiling height of 2.4m except on ground floors where it must be 2.7m.

#### Quality of the Residential Units

The quality of the residential environment for the future occupants is paramount in the assessment of developments. The standard of amenity is assessed on a number of factors including the size of the proposed units, the amount of natural light that will be able to reach the units and the availability of public and private open space.

Section 8.2.3.1 of the County Development Plan states 'a core aim of land-use planning is to ensure that new residential developments offer a high quality living environment for residents, both in terms of the standard individual dwelling units and in terms of the overall layout and appearance of schemes'.

The Sustainable Urban Housing – Design Standards for New Apartments (DoECLG 2015) set out a range of specific planning policy requirements that must be adhered to. The relevant policy requirements are identified in the following table:

Section	Specific Planning Policy Requirement
3.1	Minimum Floor Area: 1 bedroom unit – 45 square metres 2 bedroom unit – 73 square metres 3 bedroom unit – 90 square metres
3.11	Dual Aspect Apartments Minimum number shall be 50%
3.14	Floor to Ceiling Height Ground Floor – 2.7 metres
3.18	Individual Stair / Lift Core – up to 8 apartments per floor
3.23	Basement level storage may be used to satisfy up to half the minimum storage requirement for individual apartment but shall not serve to reduce the minimum floor area
5.1	A schedule that details the number and type of apartments, associated individual unit floor areas, the private amenity space, storage space, the aspect and possibly orientation (if single aspect) of each apartment,
Appendix	Storage 1 bedroom unit – 3 square metres 2 bedroom unit – 6 square metres 3 bedroom unit – 9 square metres  Private Amenity Space 1 bedroom unit – 5 square metres 2 bedroom unit – 7 square metres 3 bedroom unit – 9 square metres  (Balcony Depth – 1.5 metres )



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The minimum standards for apartments set out in the Sustainable Urban Housing – Design Standards for New Apartments (DoECLG 2015) supersede the standards set out in Section 8.2.3.3 of the County Development Plan 2016-2022.

### Floor Areas

The plans illustrate the following –

- 1 beds – floor areas varying from 50.5sqm to 77.5sqm
- 2 beds – floor areas varying from 79.7sqm to 91.52sqm
- 3 beds- floor areas varying from 111.8sqm to 148sqm

### Amenity provision

In terms of amenity, first and second floor apartments within Building A and Building B are served by balconies that meet the required 1.5m depth and area for the apartment type as set out within the accompanying Appendix of the Apartment Guidelines.

It is noted that some ground level apartments have individual own door access from either Wilson Road or Deerpark Road. Ground level apartments facing inward into the development are provided with private terraces.

The proposed development also includes a central amenity area that includes a play area, flat lawn space and stepped terraces. Due to the level changes within the site, this area takes the form of a courtyard with embankments and terraces.

### Dual Aspect

It is a specific planning policy requirement of the Design Standards for New Apartments (DoECLG 2015) that the minimum number of dual aspect apartments that may be provided in any single apartment scheme shall be 50% in urban locations. The guidelines states that "In certain circumstance, usually on inner urban sites, near to city or town centres, including SDZ areas, where it is necessary to ensure good street frontage and subject to high quality design, this may be further reduced to an absolute minimum of 33%"

The plans submitted demonstrate that 54% of the apartments have dual aspect.

### Internal floor to ceiling heights

It is a specific planning policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m. The details submitted with the application indicate

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that all of the proposed ground floor apartments will have floor to ceiling heights of 2.7 metres.

### Storage

Storage facilities are provided for within each of the apartments and within the basement area where further storage space is provided. All storage provided meets the minimum requirements as set out within 3.23 of the Apartment Guidelines.

### Bin Storage

Bin storage for the proposed development is located within the basement area.

### Mix of Residential Units –

The proposed mix of residential units is set out in detail in the schedule of accommodation and is summarised as follows:

No. of bedrooms	number	%
1 bed	11	22
2 bed	30	60
3 bed	9	18

Section 8.2.3.3 of the County Development Plan requires that larger apartment schemes over 30 units should provide no more than 20% one-bed units and a minimum of 20% of units over 80 square metres.

### Assessment of the pub/ Restaurant

The pub / restaurant building is located to the front of the site and will provides three levels, with a bar / café at ground level, restaurant at first floor level and function room at third floor level. The proposal includes a south facing and east facing terrace at first floor level and an east facing terrace at second floor level.

The overall floor area of the commercial element has been reduced from the existing 1593sqm to 1164sqm.

Parking for the pub/ restaurant will be located within the basement level and deliveries will be served by a loading bay set within the first level of basement area. The applicant has included a letter from Heineken stating that they have the capacity to deliver in vehicles below a height of 2.6m that would be required to serve the basement loading bay.

### Parking assessment

The Transportation Department have commented on the provision of car parking to serve the pub / restaurant.

'It is noted that the proposed commercial development is within a neighbourhood centre area and should therefore primarily serve the local community and have limited car parking. The proposed commercial development provision of 65 car parking spaces complies with the current County Development Plan (2016-2022) Table 8.2.4 maximum car parking standards and the current County Development Plan (2016-2022) section 8.2.4.5 in context of application of car parking standards to influence modal shift to more sustainable forms of transport.'

- Hours of operation

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The applicant has not included any detail on the proposed hours of operation, given the location within a residential area; the hours of operation would be in line the current arrangement and subject to licensing.

- Signage

The elevations submitted provide no detailing of any signage proposals for the pub and restaurant element of the development, as such this element of the development cannot be assessed.

#### Noise from terraces

A number of objections received have raised concerns regarding noise from the terraces of the pub/ restaurant and particularly the top level. There are concerns regarding noise from the terraces associated with top floor function room area of the pub/restaurant building. It is noted however, that the existing union café has an outdoor terrace / seating area. The applicant should be requested to provide details of the use of the terrace / balcony such as to demonstrate that it will not cause nuisance to surrounding residential properties.

#### Solar Panels

Solar panel arrays proposed on all three buildings are set back from the edges of the buildings and are unlikely to be visible from the street level. Within the Energy Compliance (OCSC) submitted reference is made to the PV panels proposed, however there are no design details of the panels or the angle they are positioned at. The applicant shall submit further detail of the proposed solar panels by way of Further Information.

#### Trees, Landscaping and Communal Open Space

All existing trees on the site will be removed.

Section 8.2.8.2 of the County Development Plan states that The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph.

An area of communal open space of 1942sqm is provided within the site between the North and South Buildings, this area includes a play area.

The Council's Park Department have raised concerns that there is a lack of clarity in relation to the public / residential boundary and in terms of the treatment of the public realm area. Concerns are also raised that open space area may be of poor quality. The applicant is requested to submit Further Information on these matters. It is considered that the parks department request its relation to the national children's play policy and play equipment could be conditioned in the event of a grant.

#### Parking and Access

The proposed development has one vehicular access off Wilson Road. It is noted that the previous application had three vehicular accesses; the reduction in vehicular access points is welcomed. The proposed development also provides for 119 car parking spaces, 66 cycle spaces and 11 motorcycle spaces and electronic charging points. All parking and services area associated with the pub / restaurant are located within two basement areas.

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It is noted that a number of the objections have raised concerns regarding the proposed parking provision and highlighted a number of discrepancies in the details of the parking provision.

Issues concerning the number of parking spaces will require clarification, the plans and description of works provide 119 car parking spaces. There is a discrepancy within the Town Planning Report (Manahan Planners) that on pg 14 refers to a total of 130 spaces (65 to serve the residential element, 38 for the pub and 27 for the restaurant). This varies again with page 16 where reference is made to 124 car parking spaces (74 for the residential element, 50 for the pub & restaurant).

Policy ST2 in the current County Development Plan states:

'...The Council recognises the fundamental link between transport and land use to reduce reliance on car-based travel and to ensure more sustainable patterns of travel, transportation and development. An essential element of this is the need to plan to integrate spatial planning policies with key transport requirements, mainly through such mechanisms as higher development densities and mixed-use development within walking and cycling distance of high quality public transport corridors.'

Policy ST19 states that travel demand management includes:

'Restrictions on car parking provision at key destinations to encourage public transport use.'

In accordance with the current County Development Plan (2016 - 2022):

Table 8.2.3 'Car Parking Standard', the requirements are as follows:-

- 11 no. one bedroom apartments at 1 car space per one bed unit: 11 required car spaces
- 30 no. two bedroom apartments at 1.5 car spaces per two-bed unit: 45 required car spaces
- 9 no. three bedroom apartment at 2 car spaces per three-bed unit: 18 required car spaces

Therefore a total of 74 car parking spaces are required.

The Transportation Department's report raises concerns regarding the shortfall of 24 spaces parking for the residential element of the development. A number of submissions have also raised this issue of car parking.

Consideration is given to the guidance contained within the Design Standards for New Apartments (DoECLG Dec 2015, in particular Section 4.14 and Section 4.15 that allows for a 1 for 1 provision for new developments and a reduction in parking in very accessible areas.

'Where it is sought to reduce car parking provision, the onus will be on the applicant to demonstrate to the planning authority why car parking provision can be avoided and that the site is sufficiently well located in relation to employment, amenities and services that other non - car based modes of transport will meet the needs of residents in full or in part.'

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The applicant will be requested to submit information in relation to the shortfall in car parking and other matters concerning transportation. The applicant should be requested to submit a rationale / justification for any reduced parking.

#### Drainage and Water Supply and Foul Drainage

The Surface Water Drainage report raises concerns with regard to the surface water system details provided, and seeks further information on the proposed attenuation tank and green roof element of the development.

Irish Water who are responsible for water supply and foul drainage state no objection to the proposed development subject to conditions.

#### Part V - Social and Affordable Housing

The applicant proposes to comply with the Part V obligations by way of transfer of five units on site as per a letter from the Council's Housing Department dated October 18th 2017.

The letter concludes that the proposed development is capable of complying with the requirements of Part V of the Planning and Development, Act, 2000, as amended -

The 5 units proposed comprise of 3 x 1 bed unit and 2 x 2 bed units, that will be built and transferred to the Council or an approved Housing Body.

Indicative average costs per unit are as follows -

1 bed - €287,166.66 x 3 units

2 bed - €433,442 x 2 units

Total - €1,728,383.98

#### Land Ownership

There are concerns in respect of land ownership issues, this relates to a grassed strip of land on Wilson Road, which forms part of the development as set out within the plans and details submitted.

#### Letters of consent

It is noted that a number of observations submitted make reference to the fact that there is an area of land that forms part of the development, that is not within the applicant. 'Tomrose's' ownership, this area of land is owned and maintained by Dun Laoghaire County Council.

The applicant can be requested to provide sufficient evidence of sufficient legal interest in this portion of land.

#### Other Matters

Discrepancies on the plans and details -

#### Parking

Issues concerning the number of parking spaces will require clarification, the plans and description of works provide 119 car parking spaces. There is a discrepancy within the Town Planning Report (Manahan Planners) that on pg 14 refers to a total of 130 spaces (65 to serve the residential element, 38 for the pub and 27 for the restaurant). This varies again with page 16 where reference is made to 124 car parking spaces (74 for the residential element, 50 for the pub & restaurant).

It is noted that a number of the objections received have raised this issue.

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#### ASSESSMENT OF FURTHER INFORMATION (received Feb 7th 2018)

There are no further third party submissions.

Additional Departmental comments –

Transportation Planning – Comments received Feb 28th 2018 – No objection –

Drainage Planning – Comments received Feb 27th – requesting Clarification of Additional Information. (See assessment of Item Three below)

#### ITEM ONE - Additional Plans / Details

(i) The applicant is requested to submit additional plans and details clearly demonstrating the separation distances from the surrounding residential properties, on Wilson Road including D16A/0909, North Avenue and development approved under D15A/0121 & PL06D.245755.

(ii) There are concerns regarding noise from the terraces associated with the top floor function room area of the pub/restaurant building. The applicant is requested to submit details of the proposed use of the terrace /balconies including hours of use such as to demonstrate that it will not cause nuisance to surrounding residents.

(iii) Details of the Solar Panels proposed including dimensions and the angle and heights the panels are to be positioned at.

(iv) No details of the treatment of the terraces and balconies proposed have been submitted, the applicant is requested to submit this detail by way of Further Information.

#### ASSESSMENT OF ITEM ONE –

##### i) Separation Distances

The applicant has submitted additional drawings (PP1-R1 and PP2 – R2) clearly illustrating the separation distances to the surrounding residential properties and approved developments that are yet to be constructed. Those separation distances are

- D15A/0121 Wilson Road – Drawing Number PP1-R1 – shows a distances of 24 to 31 metres from the front elevation of the approved dwellings from the proposed windows of apartments in the Northern Building.
- Distances of 43.9 metres separate the properties directly to the east on North Avenue.
- Distances between the Northern and Southern buildings measure 23 metres.
- Distances to the approved building to the west at Flanagan's site, are 22.9 metres.

The applicant has clarified the matter of separation distances sufficiently and it is considered that the proposed separation distances from various adjoining properties and sites are adequate.

##### ii) Noise

The applicant state that the proposed pub / restaurant proposed is smaller than the existing facility on site.

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Reference is made to a number of bar / restaurants that the applicants operate in the Dublin area. In terms of the proposed function room, the applicant states that it will operate the same hours of operation as the rest of the pub / restaurant area – 11.30 with occasional extension to 2am. The roof terrace would be used as an outdoor seating area, with no music or amplified sound proposed from this area. The area would be used as a seating area and an area for viewing Dublin Bay.

In terms of hours of operation the applicant states that they will be the same as the existing hours of operation. It is noted that the hours of operation can be dealt with by way of condition and would be subject to licensing that would fall outside the remit of planning.

The applicant makes reference to noise survey results carried out by Karl Searson recorded over the Christmas period 2017 on two occasions.

The Planning Authority notes that the existing balcony associated with the pub on site at present is set further back within the site and that the proposed pub/restaurant building is set further forward, closer to residential properties. The contents of the report are noted and considered to be acceptable having regard to the established use of the site.

#### iii) Detailing of the solar panels proposed

The applicant has submitted additional plans, drawing number 619 PP24, that provides details of the size, scale and angle the proposed solar panels will be sited at. The plans illustrate that the panels will be sited at 12 degree angle and are therefore unlikely to cause any significant visual intrusion given their location on the rooftop. There are no further concerns regarding the detailing of the solar panels.

#### iv) Terrace and balcony treatments

The applicant has provided additional plans detailing the treatment of the balconies and terraces, those details are as follows -

##### Residential Units

- Opal Glass Balustrade and natural stone to face of balcony
- Natural stone cladding on the edge of balconies
- Bronze Anodized Aluminum Louvers

##### Terrace – Pub/Restaurant

- 1.2 metre high concrete balustrades
- Dark bronze pergola within the outdoor seating areas

There are no concerns with the detail provided in terms of their appearance, the final detail of the materials can be dealt with by way of condition should permission be granted. Reference is also made to the fact that the applicants would be happy for a condition to be added providing a balustrade to the terrace area.

#### ITEM TWO - Transportation

(i) The Applicant shall submit revised detailed drawings, 'Car Parking Level -1 / 619 PP5 / Date: 19.10.2017' and 'Car Parking Level -2 / 619 PP6 / Date: 19.10.2017', showing the required 74 residential car parking spaces. The Applicant shall also highlight an appropriate

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amount of visitor car parking spaces for the residential development. In the event that the applicant is proposing reduced parking a rationale/justification should be put forward.

(ii) The Applicant shall submit a revised detailed 'Transport Assessment' (dated: Oct. 2017) by NRB Consulting Engineers to take into consideration the required standard number of residential car parking spaces.

(iii) The Applicant shall demonstrate which of the proposed basement car spaces are for:

- a) Apartment Residents
- b) Apartment Visitors
- c) Commercial Staff/Visitors

It is noted that there appears to be a discrepancy in the submitted documentation, page 14 of the Town Planner's Report refers to 130 spaces whereas the description of works states 119. The applicant is requested to clarify.

(iv) The Applicant shall submit detailed plan drawings showing all the proposed new footpaths around the development to have a minimum width of 2.0m free of any street furniture to allow for desirable space to allow for people to pass comfortably.

(v) The Applicant shall submit detailed drawings showing a required footpath setback a minimum width of 2.0m from Wilson Road road edge, with no obstruction of street furniture along, approximately 70.0m in length, to connect the 'Vehicle entrance to ramp to basement' to the proposed development with the existing footpath outside No. 49 Wilson Road. This is in order to assist with pedestrian/vulnerable road users connectivity. The Applicant shall submit a letter of consent from the relevant landowner (either DLRCC or a 3rd Party) to carry out the required works. Note: The said footpath shall be designed and constructed all at the Applicants own expense to meet Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements as per 'Taking In Charge Policy Document (April 2016)': <http://www.dlrcoco.ie/en/planning/building-control/taking-charge> and 'Taking in Charge Procedure Document'. (This FI request may be impacted by response to Item 6 below).

(vi) The Applicant shall demonstrate how the proposed 66 no. cycle parking spaces at the 'Car Parking Level Entry' can be safety designed, in accordance with the Dun Laoghaire Rathdown County Council Cycling Policy (July 2017) [http://www.dlrcoco.ie/sites/default/files/atoms/files/dlr\\_cycle\\_parking\\_standards\\_july\\_2017\\_county\\_council\\_adopted.pdf](http://www.dlrcoco.ie/sites/default/files/atoms/files/dlr_cycle_parking_standards_july_2017_county_council_adopted.pdf), to ensure no conflict with vehicular traffic when entering the proposed development car parking area.

(vii) The Applicant shall submit a detailed layout drawing showing any entrance barriers to the car parking area set back within the proposed development to allow a sufficient vehicle reservoir to prevent queuing onto the public footpaths and roads. These details shall be in accordance with the UK's Institution of Structural Engineers booklet entitled "Design Recommendations for Multi-Storey and Underground Car Parks" Fourth Edition or other such relevant documents.



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(viii) The Applicant shall provide details to the Public Lighting Section of street lighting they intend to provide for the proposed development including lantern type, lighting column height and type, spacing, light intensity/lux levels, detail/location of the public lighting mini-pillars etc all in accordance with BS 5489-1:2013 specifications. All proposed street lighting shall be shown to be designed in accordance with Dun Laoghaire-Rathdown County Council's February 2015 guidance document for 'Public Lighting Installations in Residential and Industrial Areas'.

(ix) The Applicant shall submit a detailed Construction Management Plan indicating measures dealing with:

- a) Traffic management plan including Construction vehicular access to site in particular to avoid conflict between construction activities, the existing local shops and traffic on Deerpark Road
- b) How it will be intended to avoid conflict between construction activities and pedestrian movements during construction works
- c) Where it is intended to provide for site staff car parking during construction in that is not acceptable to have long term parking in the nearby residential areas
- d) Proposed measures to minimise /eliminate nuisance caused by noise and dust, proposed working hours and measures to minimise/prevent transfer of dirt to the public road with associated measures to clean the public roads / gully's etc in the vicinity of the site and continuing replacement of roads line markings resulting therefrom.
- e) Details of the type of the construction vehicles to be used during the course of the proposed development. It shall be noted that there is a 3-Ton weigh restriction on Deerpark Road.

#### ASSESSMENT OF ITEM TWO – TRANSPORTATION

##### Transportation Department - Comment on Further Information

- FI item No. 2 i)      The Applicant's submitted drawings 'NRB-RFI-003' and 'NRB-RFI-004'; and response by NRB Consulting Engineers (date: 6 Feb 2018) with regards to the required 74 residential and visitor car parking spaces for the residential development are deemed acceptable.
- FI item No. 2 ii)     The Applicant's submitted 'Transportation Assessment' Report by NRB Consulting Engineers (date: Jan 2018) and response by NRB Consulting Engineers (date: 6 Feb 2018) with regards to the required revised detailed 'Transport Assessment' (dated: Oct. 2017) by NRB Consulting Engineers are noted.
- FI item No. 2 iii)    The Applicant's submitted drawings 'NRB-RFI-003' and 'NRB-RFI-004'; and response by NRB Consulting Engineers (date: 6 Feb 2018) with regards to which of the proposed basement car spaces for:
- a) Apartment Residents

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b) Apartment Visitors  
c) Commercial Staff/Visitors,  
are deemed acceptable.

- FI item No. 2 iv) The Applicant's submitted relevant plan drawings and response by NRB Consulting Engineers (date: 6 Feb 2018) with regards to the proposed new footpaths around the development to have a minimum width of 2.0m free of any street furniture to allow for desirable space to allow for people to pass comfortably are noted.
- FI item No. 2 v) The Applicant's submitted response by NRB Consulting Engineers (date: 6 Feb 2018), 'that the land for the proposed footpath from the proposed site vehicular access westwards to the entrance to no. 49 Wilson Road is a maintained grass verge over which we (NRB Consulting Engineers) understand the applicant has no control or influence' is noted. The Applicant shall be conditioned that prior to commencement of the proposed development a special contribution in the sum of €8,250.00 levied in accordance with Section 48(2)(c) of the Planning and Development Act, 2000, as amended, be paid by the Applicant to the Planning Authority, to be expended on a 2.0m wide footpath 70.0m in length from the proposed site vehicular access westwards to the entrance to no. 49 Wilson Road. This is in order to assist with pedestrian/vulnerable road users connectivity in accordance with Council policy and National policy.
- FI item No. 2 vi) The Applicant's submitted drawing 'NRB-RFI-002' and response by NRB Consulting Engineers (date: 6 Feb 2018) with regards to the proposed 66 no. cycle parking spaces are deemed acceptable.
- FI item No. 2 vii) The Applicant's submitted response by NRB Consulting Engineers (date: 6 Feb 2018), with regards that instead of entrance barriers to the car parking area within the proposed development to allow a sufficient vehicle reservoir to prevent queuing onto the public footpaths and roads that a real time information advance advisory sign (stating 'Spaces Available' or 'Car Park Full' can readily be affixed at the entry) is noted. The Applicant shall be conditioned that prior to commencement of the proposed development they shall submit drawings showing a real time information advance advisory sign (stating 'Spaces Available' or 'Car Park Full') affixed at a suitable location at the vehicular entry to the proposed development.
- FI item No. 2 vix) The Applicant's submitted 'Preliminary Construction/Traffic Management Plan' prepared by NRB Consulting Engineers (date: Nov 2017) is noted.

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Transportation have now no objection to the proposed residential development subject to the following conditions:

1. The Applicant shall carry out at their own expense the recommendations as accepted by the Audit Team Leader in the submitted Quality & Safety Audit Feedback Form by Road Safety Matters, in the Appendix H of the 'Transportation Assessment', 'Safety, Quality & Accessibility Audit', 'Preliminary Travel Plan', and 'Preliminary Construction/Traffic Management Plan' Report by NRB Consulting Engineers (date: Jan 2018), save as may be required by the other conditions attached hereto. Any proposed works on the public road shall be agreed with the Planning Authority (Traffic & Road Safety Section) prior to commencement of the proposed development.

2. Prior to commencement of the proposed development a special contribution in the sum of €8,250.00 levied in accordance with Section 48(2)(c) of the Planning and Development Act, 2000, as amended, shall be paid by the Applicant to the Planning Authority, to be expended on a 2.0m wide footpath 70.0m in length, to connect the 'Vehicle entrance to ramp to basement' to the proposed development with the existing footpath outside No. 49 Wilson Road. This is in order to assist with pedestrian/vulnerable road users connectivity in accordance with Council policy and National policy.

3. The Applicant shall ensure that all proposed new footpaths around the development shall have a minimum width of 2.0m free of any street furniture to allow for desirable space to allow for people to pass comfortably.

4. Prior to commencement of the proposed development the Applicant shall resubmit the relevant basement car parking drawings showing bollards adjacent to entry/exit barriers to prevent customer parking for the proposed Pub/Restaurant development from parking in car parking spaces designated for Residential use only.

5. The Applicant is recommended that prior to commencement of the proposed development, the Applicant shall submit a detailed drawings to the Planning Authority (Transportation Planning Section) for written agreement indicating the following:  
That the basement level car parking spaces be constructed so as to be capable of accommodating future electric charging points for electrically operated vehicles when and if required. The following weblink is recommended <http://www.esb.ie/electric-cars/index.jsp>.

6. Prior to commencement of the proposed development the Applicant shall submit a detailed drawings to the Planning Authority (Transportation Planning Section) for written agreement indicating the following:

A real time information advance advisory sign (stating 'Spaces Available' or 'Car Park Full') affixed at a suitable location at the vehicular entry to the proposed development.

7. The Applicant shall ensure that all car parking spaces be clearly marked as attaching to a particular residential unit and allocated spaces shall not be sold or let to avoid non take up by residents who would then park elsewhere at adjoining residential estates where it will

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create a nuisance as well as undermining the demand management measures of parking constraint. The Applicant shall give an undertaking in this respect in writing.

8. All works to be carried out on the public road/footpath shall be at the Applicant's expense to meet the Dun Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements and all to the satisfaction of the Municipal Services Department.

9. Prior to undertaking works to be carried out on the public road/footpath the Applicants shall also obtain a Road Opening Licence from the Road Maintenance & Roads Control Sections.

10. The Applicant/Operators and Management shall implement the measures detailed in the submitted 'Prelim Travel Plan' by NRB Consulting Engineers (dated: October 2017), to encourage future residents to use sustainable travel to and from the proposed development.

11. An appointed Workplace Travel Coordinator shall provide an annual report to the Planning Authority (Transportation Planning Section) for a period of 3 years showing what soft and hard measures have been implemented to promote an increased use of sustainable travel modes (walking, cycling, public transport, car share) to access the proposed '50 no. unit residential and Pub/Restaurant development' for residents, staff and visitors and to achieve a modal split as per 'Smarter Travel: A Sustainable Transport Future', the Government National Transport Policy 2009 - 2020. This annual report should include the following:

- Details of the appointed Workplace Travel Coordinator (i.e. Name, Contact Details, etc)
- Results of annual travel survey carried out in the proposed '50 no. unit residential and Pub/Restaurant development' for residents, staff and visitors showing the number and percentage of people accessing the proposed '50 no. unit residential and Pub/Restaurant development' by each travel mode (walking, cycling, public transport, car share, other)
- Details of all sustainable travel initiatives carried out during the year. E.g., Walk on Wednesdays, cycle on Fridays, Bike Week etc
- Details of any promotional material or competition to promote sustainable travel to and from the proposed '50 no. unit residential and Pub/Restaurant development'. E.g Day Centre newsletter, Smarter Travel literature etc.

The first annual report shall be submitted within 12 months of the date of the final permission for the proposed '50 no. unit residential and Pub/Restaurant development'.

For guidance for annual reports refer to National Transport Authority ([www.nationaltransport.ie](http://www.nationaltransport.ie))

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12. The Applicant/Contractor are requested to comply with all the proposed details within the submitted 'Preliminary Construction/Traffic Management Plan' prepared by NRB Consulting Engineers (date: Nov 2017) for securing the health and safety of everyone carrying out the construction work (at the proposed '50 no. unit residential and Pub/Restaurant development') and all others who may be affected by it.

The report from the transportation section is noted. With regard to car parking spaces the applicants have clarified that the number of spaces being provided is 119 and not 130 spaces. They have retained the same number of car parking spaces overall but have allocated a full 74 (65 at lower level and 9 visitor at surface level) to the residential component with a lesser number of 45 being allocated for the neighbourhood centre element - namely the pub/restaurant. This is less than the maximum County Development Plan standard for a pub restaurant (1 space per 15 sq m for restaurant, 1 space per 20 sq m for pub) but given that this is a neighbourhood centre, where the commercial use is a relatively minor part of the overall development and is a use which will primarily serve a local catchment population and will provide a focal point for the local community it is considered that the proposed car parking arrangements are acceptable.

The recommended condition in relation to the provision of a footpath between the site and 49 Wilson Road is noted, but it is not considered it can be attached, as it falls outside of the ownership of the applicant.

#### ITEM THREE - Drainage

(i) No analysis of the surface water drainage system has been submitted. The applicant shall provide analysis of the network to show how the surface water drainage system operates for various storm events. It should be noted that hardstanding areas within the site boundary are not permitted to drain to the public carriageway drainage system.

(ii) The applicant shall confirm that FFLs and vents are above manhole cover levels. The buildings may be at risk of flooding due to the system surcharging if it is inadequately designed. Appropriate protection of the buildings should be provided for flood events.

(iii) The applicant states that the site is impermeable but has used Soil Type 2 for attenuation storage calculations, with no soil characteristics test results submitted to verify this. The applicant shall use a more impermeable soil type, such as Soil Type 4, to calculate the required attenuation volume for the site.

(iv) The applicant shall submit calculations for the volume of Interception and Treatment storage to be provided.

(v) The attenuation tank is shown within the basement level car park. The applicant shall provide information on how the tank is to be accessed for maintenance vehicles.

(vi) The Green Roof is stated as being extensive but no proposed build up has been supplied. The applicant shall confirm what build up is proposed. The applicant shall also confirm how the green roofs will be accessed for maintenance, particularly high level areas.'

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### ASSESSMENT OF ITEM THREEE - DRAINAGE

Drainage Comments received Feb 27th 2018 – request Clarification of Further Information Required.

#### Item 3(i) of Further Information request

The applicant is requested to provide the previously requested analysis of the network to show how the surface water drainage system operates for various storm events and to provide drainage details showing how the runoff from hardstanding areas within the site boundary drain to the site drainage system and not drainage system in the public carriageway. (Item 1.0 of JJ Campbell & Associates' response (reference Item 3(i) of Planning Authority's F.I. Request) states that "...under no circumstances will storm water from the development be allowed to discharge to the public carriageway and or footpaths." The applicant has not however submitted any drainage details showing how this is going to be achieved. The applicant has also not addressed the first part of Item 3(i) of the Planning Authority's F.I. Request "The applicant shall provide analysis of the network to show how the surface water drainage system operates for various storm events".)

#### Item 3(ii) and 3(v) of Further Information request

The applicant is requested to provide clarity in response to 3(ii) and 3(v), detailed below, of the Planning Authority's Further Information request. (Item 2.0 of JJ Campbell & Associates' response (reference Item 3(ii) of Planning Authority's F.I. Request) has not provided sufficient information in relation to cover levels. It is further stated that "the attenuation tank will be completely sealed and cannot backup into the basement carpark). A fully sealed tank with no provision for venting or maintenance is not considered to be adequately designed. In Item 5.0 of JJ Campbell & Associates' response (reference Item 3(v) of Planning Authority's F.I. Request) it is stated that "the attenuation tank is in the basement but access to the tank is through an exterior manhole on the Wilson Road side of the development , see Drawing C3)". While it is assumed that the manhole referred to is manhole No. SM06, a single manhole on the outlet side of the attenuation tank does not provide for adequate maintenance access. At a minimum manhole will have to be provided on both inlet and outlet sides of the attenuation tank together with the provision of a sloping floor plus a collection channel. The applicant shall also note that the incidental surface water runoff from basement levels -1 and -2 shall discharge to the foul drainage system and not the surface water drainage system as currently proposed.

#### Item 3(iii) of Further Information request

By way of clarification, the applicant shall provide a specification sheet showing the make and model of the hydrobrake that will successfully limit the discharge to the 2 l/s. Please note the council will not accept a hydrobrake that have an emergency by-pass fitted. (The applicant's approach to Item 3(iii) of the Further Information request is not considered to be in accordance with the requirements of Council policy. However, the restriction of outflow to 2l/s is considered to be satisfactory subject to the requested C.F.I being provided)

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#### Item 3(iv) of Further Information request

The applicant has not provided supporting calculations for interception and treatment storage volumes as requested. However, Municipal Services do acknowledge that interception storage is being provided by the use of Green Roofs and the planted podium areas.

#### Item 3(v) of Further Information request.

The applicant has provided information on Green Roof build up. This will be the subject of a condition should a grant of permission be considered.

By way of clarification, the applicant is requested to propose alternative maintenance and access arrangements such as external mobile access that will be centrally managed, as opposed to the current proposal for accessing the roof by way of "internal folding ladder to low-profile roof hatches".

The applicant is advised to consult with Drainage Planning in advance of the submission of the information requested under Clarification of Further information.'

The applicant is requested to submitted Clarification of Further Information on Item Three.

#### ITEM FOUR – PARKS

##### 'Landscape Design Proposals and Rationale

(i) The applicant shall submit a Landscape Design Rationale together with comprehensive and detailed landscape proposals, all prepared by a qualified Landscape Architect (or qualified Landscape Designer), for the written approval of Dlr Parks and Landscape Services. Such proposals shall include the following:-

- Barriers and/or rails (materials and finishes)
- The public realm at the east edge of the site is very urban in its relationship with north avenue
- Levels for grass areas are required
- Details of Soft Landscape Design: detailed Planting Plan(s) and Planting Schedule(s) [species/varieties, quantities, sizes, rootball presentation, spacings]
- A timescale for implementation of all proposals, including specified landscape maintenance operations; Landscape Contract(s) to include an 18-months Defects Liability clause, after Certified Practical Completion (by the landscape consultant)

##### (ii) Public realm

The applicant shall submit a universal access map to demonstrate how the area is universally inclusive. In line with the development plan the applicant shall submit a calculations of the public open space and a clear defined boundary between public and residential areas.

##### (iii) Trees

The applicant shall reconsider the proposed tree species as various tree selections will outgrow the development space.'

#### ASSESSMENT OF ITEM FOUR

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The applicant has submitted a landscape design and rationale prepared by Dermot Foley Landscape Architect. The submission includes a Landscape Plan (Drawing number Oa.01-DR-201-REV B –

Response to 4 (i)

The revised proposal includes amendments to the public realm area on the east of the site that is now been softened, with the addition of a strip of planting at the base of the proposed trees.

A planter on the west side of the site has been increased in size. The revised plans also provide details of the species of planting proposed, sizes, quantities and spacings.

Response to Item 4(ii)

The revised landscaping plan demonstrates that the proposed development is fully accessible identifying Accessible Route A and Accessible Route B on drawing number Oa.01.DR-202.

A drawing submitted, highlights the proposed

- Public Space - 619sqm
- Communal Garden – 1080sqm
- Private Terraces – 463sqm

The plans also identifies the boundary between public space and private space, that runs to the rear of the pub/restaurant building from North Avenue extending to Deerpark Avenue.

Response to Item 4 (iii) Trees

The applicant has provided detail of the species on drawing Oa.01-DR-201 Rev B. The quantity of trees remains the same as that originally proposed.

Parks Department – Comments received Feb 27th – raises no further objection.

'Comments:

In relation to the above proposed development, this section has reviewed the Further Information and recommends the following conditions;

Retention of the Landscape Architect:

Prior to the commencement of any permitted development - the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of Dlr Parks and Landscape Services and in accordance with the permitted landscape proposals.



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Reason: To ensure full and verifiable implementation of the approved landscape design.'

The Parks Department are satisfied with the submission of Further Information and have raised no further objection subject to conditions.

### ITEM FIVE - Views

'The applicant is requested to update the Visual Impact Assessment Report so as to include a view of the proposed development from the location of the Protected View symbols as shown in Deerpark on Map number 2 of the County Development Plan 2016-2022.'

### ASSESSMENT OF ITEM FIVE

The applicant has submitted additional CGIs from the position of the Protected View area within Deerpark. It is noted that this view is shown with full foliage on the trees. Notwithstanding it is considered that the details submitted illustrate that the proposed building will not have a significant impact on the views of Dublin Bay when compared to the current situation. There are no further concerns in this regard.

### ITEM SIX - Consent / Ownership

'There are concerns in respect of land ownership issues. This relates to a grassed strip of land on Wilson Road, which forms part of the development as set out within the plans and details submitted. The applicant is required to provide sufficient evidence of sufficient legal interest in order to develop the proposal on revision to the scheme or consent of the landowner.'

### RESPONSE TO ITEM SIX -

The applicant has submitted legal opinion from Orpen Franks Solicitors, dated January 25th 2018, stating that the title to the lands subject to this application has been reviewed and that the applicant has sufficient legal interest in the lands. The submission is accompanied by a letter of concurrence from Angus Buttanshaw BL, confirming same.

The applicant in their response have submitted two letters - one from a solicitor and one from a barrister - stating that the applicants have sufficient legal interest, however no actual evidence of same has been submitted as was requested in item 6 of the request for further information. The applicants should be requested to clarify same.

### CONCLUSION

Following an assessment of the applicant's submission following a request for Further Information, there are items that require clarification.

As such, it is recommended that Clarification of Further Information be requested to address these issues.

#### 1. Drainage -

##### Item 3(i) of Further Information request

The applicant is requested to provide the previously requested analysis of the network to show how the surface water drainage system operates for various storm events and to provide drainage details showing how the runoff from hardstanding areas within the site

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boundary drain to the site drainage system and not drainage system in the public carriageway. (Item 1.0 of JJ Campbell & Associates' response (reference Item 3(i) of Planning Authority's F.I. Request) states that ..under no circumstances will storm water from the development be allowed to discharge to the public carriageway and or footpaths. The applicant has not however submitted any drainage details showing how this is going to be achieved. The applicant has also not addressed the first part of Item 3(i) of the Planning Authority's F.I. Request The applicant shall provide analysis of the network to show how the surface water drainage system operates for various storm events .)

#### Item 3(ii) and 3(v) of Further Information request

The applicant is requested to provide clarity in response to 3(ii) and 3(v), detailed below, of the Planning Authority's Further Information request. (Item 2.0 of JJ Campbell & Associates' response (reference Item 3(ii) of Planning Authority's F.I. Request) has not provided sufficient information in relation to cover levels. It is further stated that the attenuation tank will be completely sealed and cannot backup into the basement carpark). A fully sealed tank with no provision for venting or maintenance is not considered to be adequately designed. In Item 5.0 of JJ Campbell & Associates' response (reference Item 3(v) of Planning Authority's F.I. Request) it is stated that the attenuation tank is in the basement but access to the tank is through an exterior manhole on the Wilson Road side of the development , see Drawing C3) . While it is assumed that the manhole referred to is manhole No. SM06, a single manhole on the outlet side of the attenuation tank does not provide for adequate maintenance access. At a minimum manhole will have to be provided on both inlet and outlet sides of the attenuation tank together with the provision of a sloping floor plus a collection channel. The applicant shall also note that the incidental surface water runoff from basement levels -1 and -2 shall discharge to the foul drainage system and not the surface water drainage system as currently proposed.

#### Item 3(iii) of Further Information request

By way of clarification, the applicant shall provide a specification sheet showing the make and model of the hydrobrake that will successfully limit the discharge to the 2 l/s. Please note the council will not accept a hydrobrake that have an emergency by-pass fitted. (The applicant's approach to Item 3(iii) of the Further Information request is not considered to be in accordance with the requirements of Council policy. However, the restriction of

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outflow to 2l/s is considered to be satisfactory subject to the requested C.F.I being provided)

Item 3(iv) of Further Information request

The applicant has not provided supporting calculations for interception and treatment storage volumes as requested. However, Municipal Services do acknowledge that interception storage is being provided by the use of Green Roofs and the planted podium areas.

Item 3(v) of Further Information request.

The applicant has provided information on Green Roof build up.

By way of clarification, the applicant is requested to propose alternative maintenance and access arrangements such as external mobile access that will be centrally managed, as opposed to the current proposal for accessing the roof by way of "internal folding ladder to low-profile roof hatches".

The applicant is advised to consult with Drainage Planning in advance of the submission of the information requested under Clarification of Further information.

2. Consent / Ownership

The applicant is requested to clarify their response to item six as the two letters submitted did not provide evidence of ownership. The applicant is request to submit such evidence of title which is referred to (land registry maps and folios) and or provide a letter of consent from the owner of the lands in question.

Response to Clarification of further information:

The applicants responded to the Clarification of further information request on 21/03/2018, as follows,

- Submitted drawings and details demonstrating how storm water will be contained on site.
- Provided clarity on points 3(ii), 3(iii) and 3(v) raised in request for further information,
- Submitted documentary evidence pertaining to title of the grass strip in question, by way of a summary of the Title, including a Deed of Transfer and Assurance to the applicants from 1993.

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Departmental Reports:

Drainage Planning Report:

'No objection subject to the following conditions:

Prior to Surface Water connection to the public system, the applicant shall make a submission to the Planning Authority, showing that the attenuation system, including the hydro-brake, has been installed according to the planning application plans and conditions, and set to the maximum permitted discharge limit. This shall include photo documentation of the installation process, and certification from who installed the system. The applicant shall then facilitate an inspection from the Planning Authority, and will proceed to connection if the inspection was deemed satisfactory.

The Green Roof shall meet the requirements of Appendix 16: Green Roofs Guidance Document of the County Development Plan 2016-2022. The Green roof shall be designed in accordance with The SUDS Manual (C753) and BS EN 12056-3:200. The applicant shall enter a formal maintenance agreement with a professional contractor. Maintenance contractors with specialist training in green roof care should be used'.

Planning Comment:

It is considered that the proposed accords with the new 2018 Section 28 apartment guidelines the Drainage Section is satisfied that all Items from the Clarification of Further Information have been addressed and now recommend that permission be granted.

In relation to the clarification request relating to adequate interest and evidence of ownership applicants have submitted documentary evidence in the form of a summary of the Title, including a Deed of Transfer and Assurance to the applicants from 1993 of 'property described in Folio 32816F' it is noted that a map was not attached and the sum paid was 'Eight hundred and Five Thousand Pounds'.

A Deed of transfer of Assurance from 1985 pertaining to different parties has also been submitted and has a map attached showing the portion of lands subject to the request for

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clarification of further information. It is noted that the sum involved was 'Ten Thousand Pounds). No folio number is evident on this item.

Another Deed of transfer of Assurance from 1989, again pertaining to different parties has also been submitted without a map attached. It is noted that the sum involved was 'Thirty Thousand Pounds'. Again no Folio number is evident on this item.

Applicants have also submitted a Land Register map, excluding this strip of land.

Given the absence of maps accompanying the 1993 Deed of Transfer and Assurance the Planning Authority has difficulty determining whether it relates to the specific strip in question. The property section have reported that the grass strip has been managed and controlled by the council for the last 3 decades and they have informed the Property Registration Authority of same. It is noted that the Board accepted that the applicant had sufficient legal interest in the Lands when dealing with the previous application. The applicants submitted information to the Board stating that Tomose are the owner of all lands both registered and unregistered. It is considered that this is a civil issue that will be resolved by the Property Registration Authority. Notwithstanding this, applicants have submitted documentary evidence as requested and have done so in order to support their previous statements of ownership.

In the event that permission is granted the attention of the applicant can be drawn to Section 34 (13) of the Planning and Development Act 2000 (as amended), which relates as follows 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Approved development

Demolition: 1,593 sq. metres.

Residential: 50 residential units

Pub / restaurant: 1164 sq. metres

Recommendation:

Pursuant to the Planning & Development Act, 2000 (as amended) it is hereby recommended, for the reason set out in the First Schedule hereto, to GRANT PERMISSION for the said development in accordance with the plans and particulars, subject to the conditions set out in the Second Schedule.

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#### FIRST SCHEDULE

Having regard to the zoning and policy objectives of the site as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that the development is consistent with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and is considered to be in accordance with the proper planning and sustainable development of the area.

I recommend that a decision to GRANT PERMISSION be made under the Planning & Development Act 2000, as amended, subject to the following (27) condition(s):-

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, as amended by Further Information received on 07/02/2018 and Clarification of Further Information received on 21/03/2018, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
  
2. Prior to Surface Water connection to the public system, the applicant shall make a submission to the Planning Authority, showing that the attenuation system, including the hydro-brake, has been installed according to the planning application plans and conditions, and set to the maximum permitted discharge limit. This shall include photo documentation of the installation process, and certification from who installed the system. The applicant shall then facilitate an inspection from the Planning Authority, and will proceed to connection if the inspection was deemed satisfactory.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
  
3. The Green Roof shall meet the requirements of Appendix 16: Green Roofs Guidance Document of the County Development Plan 2016-2022. The Green roof shall be designed in accordance with The SUDS Manual (C753) and BS EN 12056-3:200. The applicant shall enter a formal maintenance agreement with a professional contractor. Maintenance contractors with specialist training in green roof care should be used.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
  
4. The Applicant shall carry out at their own expense the recommendations as accepted by the Audit Team Leader in the submitted Quality & Safety Audit

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Feedback Form by Road Safety Matters, in Appendix H of the 'Transportation Assessment', 'Safety, Quality & Accessibility Audit', 'Preliminary Travel Plan', and 'Preliminary Construction/Traffic Management Plan' Report by NRB Consulting Engineers (date: Jan 2018), save as may be required by the other conditions attached hereto. Any proposed works on the public road shall be agreed with the Planning Authority (Traffic & Road Safety Section) prior to commencement of the proposed development.

REASON: In the interests of the proper planning and sustainable development of the area.

5. The Applicant shall ensure that all proposed new footpaths around the development shall have a minimum width of 2.0m free of any street furniture in order to allow for desirable space to allow for people to pass comfortably.

REASON: In the interests of pedestrian safety.

6. Prior to commencement of any development, the Applicant shall submit revised basement car parking drawings showing bollards adjacent to entry/exit barriers preventing Pub/Restaurant customers from parking in car parking spaces designated for Residential use only.

REASON: In the interests of orderly development.

7. The developer shall submit detailed drawings to the Planning Authority (Transportation Planning Section) for its written agreement, indicating the following: The basement level car parking spaces shall be constructed so as to be capable of accommodating future electric charging points for electrically operated vehicles when and if required. The following weblink is recommended <http://www.esb.ie/electric-cars/index.jsp>.

REASON: In the interests of the proper planning and sustainable development of the area.

8. Prior to commencement of the proposed development the Applicant shall submit a detailed drawings to the Planning Authority (Transportation Planning Section) for written agreement indicating the following:

A real time information advance advisory sign (stating 'Spaces Available' or 'Car Park Full') affixed at a suitable location at the vehicular entry to the proposed development.

REASON: In the interests of the proper planning and sustainable development of the area.

9. The Applicant shall ensure that all car parking spaces be clearly marked as attaching to a particular residential unit and allocated spaces shall not be sold or let to avoid non take up by residents who would then park elsewhere at adjoining residential estates where it will create a nuisance as well as undermining the demand management measures of parking constraint. The Applicant shall give an undertaking in this respect in writing prior to the commencement of any development.

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REASON: In the interests of the orderly development.

10. All works on the public road/footpath shall be at the Applicant's expense and shall meet Dun Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements and all to the satisfaction of the Planning Authority.

REASON: In the interests of the proper planning and sustainable development of the area.

11. Prior to undertaking works to be carried out on the public road/footpath the Applicants shall obtain a Road Opening Licence from the Road Maintenance & Roads Control Sections.

REASON: In the interests of orderly development.

12. The Applicant/Operators and Management shall implement the measures detailed in the submitted 'Prelim Travel Plan' by NRB Consulting Engineers (dated: October 2017)

REASON: So as to encourage future residents to use sustainable travel to and from the proposed development.

13. An appointed Workplace Travel Coordinator shall provide an annual report to the Planning Authority (Transportation Planning Section) for a period of 3 years showing what soft and hard measures have been implemented to promote increased use of sustainable travel modes (walking, cycling, public transport, car share) to access the development' for residents, staff and visitors and to achieve a modal split as per 'Smarter Travel: A Sustainable Transport Future', the Government National Transport Policy 2009 - 2020. This annual report should include the following:

- a. Details of the appointed Workplace Travel Coordinator (i.e. Name, Contact Details, etc)
- b. Results of annual travel survey showing the number and percentage of people accessing the development by each travel mode (walking, cycling, public transport, car share, other)
- c. Details of all sustainable travel initiatives carried out during the year. E.g., Walk on Wednesdays, cycle on Fridays, Bike Week etc
- d. Details of any promotional material or competition to promote sustainable travel to and from the proposed development'. E.g Day Centre newsletter, Smarter Travel literature etc.

The first annual report shall be submitted within 12 months of the date of the final permission for the proposed '50 no. unit residential and Pub/Restaurant development'.

For guidance for annual reports refer to National Transport Authority ([www.nationaltransport.ie](http://www.nationaltransport.ie)).

REASON: In the interests of the proper planning and sustainable development of the area.



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14. The Applicant/Contractor is requested to comply with all the proposed details within the submitted 'Preliminary Construction/Traffic Management Plan' prepared by NRB Consulting Engineers (date: Nov 2017) for securing the health and safety of everyone carrying out the construction work at the development') and all others who may be affected by it.

REASON: In the interests of orderly development and in the interests of public safety.

15. Existing materials from demolished structures shall, where possible, be re-used and recycled.

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

16. Prior to the commencement of development the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of construction works and shall notify the planning authority of that appointment prior to the commencement of any development. A practical Completion Certificate is to be signed off by the Landscape Architect when all Landscape works are fully completed to the satisfaction of the Planning Authority and in accordance with the permitted landscape proposals.

REASON: To ensure full and verifiable implementation of the approved landscape design.

17. The Applicant/ Developer shall enter into an agreement in accordance with Part V of the Planning and Development Acts 2000-2015 as amended prior to commencement of any development, unless the applicant / developer has applied for and been granted an exemption certificate under section 97 of the Planning and Development Act, 2000 (as amended).

REASON: In the interests of the proper planning and sustainable development of the area.

18. No external security shutters shall be erected on any part of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

REASON: In the interests of visual amenity.

19. No advertising sign or structure shall be erected except those which are exempted development, without the prior written agreement of the Planning Authority.

REASON: In the interest of visual amenities.

20. Details of all external finishes including materials, colours and textures shall be submitted prior to the commencement of development, for the written agreement of

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the Planning Authority.

REASON: In the interest of visual amenity.

21. Site development and building works shall be carried out only between the hours of 8.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and Public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.

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

22. No development on foot of this permission shall commence until security for the provision and satisfactory completion of services (including roads, footpaths, open spaces, public lighting, sewers, watermains and drains) in accordance with the Plans and particulars lodged with the application, has been given by:

a. Lodgement with the Council of an approved Insurance Company Bond in the sum of €250,500, which shall be kept in force by the Developer until such time as Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are completed to the satisfaction of the Council OR/...

b. Lodgement with the Council of a Cash Sum of €151,700, to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specifications.

Reason: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent dis-amenity in the development.

23. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €12,944.96, to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of Surface Water Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January, 2014 Irish Water are now the statutory body responsible for both water and waste water services. Accordingly, the contribution payable has been reduced by the amount of the contribution associated

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with these services. Further details/clarification can be obtained from Irish Water at Tel. 1 850 278 278.

24. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €296,479.78, to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

25. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €192,446.40, to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSI Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

Reason: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

26. This development shall not be carried out without prior agreement, in writing, between the Applicants and the Planning Authority relating to the payment of development contributions.

Reason: Investment by Dún Laoghaire-Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of

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same.

27. The proposed private communal open spaces, car parking areas, all external elevations and private access roads, within the site shall be retained in private ownership and shall be maintained by a properly constituted private management company. Membership of this company shall be compulsory for the purchasers of property on the development. Confirmation that this company has been set up shall be submitted to the Planning Authority prior to the occupation of the first Unit. Reason: To ensure a proper standard of residential development. LMC

28. The construction of the proposed 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 noise management measures, excavation details and off site disposal of construction demolition waste. Reason: In the interests of public safety and residential amenity.

29. Prior to commencement of development the developer shall submit and obtain written agreement of the Planning Authority to a plan for the management of waste within the development including the provision of facilities for the storage, separation and selection of the waste and for the ongoing operation of these facilities. Reason: In the interests of protecting the environment.

Note: The attention of the applicant is drawn to Section 34 (13) of the Planning and Development Act 2000 (as amended), which relates as follows 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Loise McCreery 16/4/18  
Senior Planner

*Handwritten signature*

Endorsed: [Signature]  
Senior Executive Officer

**ORDER:** A decision, pursuant to Section 34(8) of the Planning & Development Act, 2000, as amended, for Register Reference D17A/0951, to **GRANT PERMISSION** for the above proposal, subject to the (27) condition(s) as set out above is hereby made.

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REG. REF.: D17A/0951

Signed: Dave Irvine  
Approved Officer

Dated: 16<sup>th</sup> APRIL 2018

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2134, dated 10<sup>th</sup> APRIL 2018, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.