

Planning Registry & Decisions, Planning Department
Civic Offices, Wood Quay, Dublin 8

Clárlann / Cinntí Pleanála
An Roinn Pleanála agus Forbartha, Clárlann / Cinntí
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
Registry T: (01) 222 2149 / F: (01) 222 2675
Decision T: (01) 222 2288 / F: (01) 222 2271

Date 16-Oct-2015

John O'Neill & Associates
1, Irishtown Road
Dublin 4

Application No.	2620/15
Registration Date	17-Sep-2015
Decision Date	14-Oct-2015
Decision Order No	P3050
Location	The Brethern's Meeting Room, The Glen, Watermill Road, Raheny, Dublin 5
Proposal	The development consists of: - The demolition of the existing Meeting Room, - The construction of a 4 storey (including recessed top floor) residential development with 40 apartments, (8 one bedroom, 25 two bedroom and 7 three bedroom). All apartments with south or west facing balconies/terraces. - Ramp accessed basement with parking for 68 cars, storage sheds, waste recycling and plant rooms.
Applicant	The Churchtown Trust
Application Type	Permission

NOTIFICATION OF DECISION TO GRANT PERMISSION

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 14-Oct-2015 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

CONDITION(S) AND REASON(S) FOR CONDITION(S)

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made there under are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 17/09/2015, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been

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adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The developer shall pay the sum of €303,963.84 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

Note:

From the 1st of January 2014, Irish Water are now the statutory body responsible for both water supply and waste water services, including the collection of any charges that may be associated with the provision of these services.

- Accordingly the level of contributions applied by Dublin City Council to decisions from the 1st of January 2014, under the current Section 48 Development Contribution Scheme have been reduced by 25% (per square metre of approved development), to take into account the contribution associated with these services. The reduction has been applied to this decision.

- Dublin City Council retains control and responsibility for surface water and flood alleviation works.

3. Prior to commencement of any development on site the applicant shall submit revised details for the written agreement of the planning authority indicating:

a) The omission of proposed apartment 33 on the 3rd floor and apartment 21 on the 2nd floor, with any subsequent roof area not to be used as accessible roof garden.

b) Details of privacy screens between balconies

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Reason: In the interests of residential amenity.

4. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

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

5. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

6. The developer shall pay the sum of €4000 per residential unit (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2) (c) of the Planning and Development Act 2000, as amended, in respect of public open space.

This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

7. The naming and numbering of streets, buildings and business or dwelling units shall be in accordance with a street naming and numbering scheme submitted to, and agreed in writing by, the planning authority. The names selected shall reflect local place names, or be of local historical interest, and be in both Irish and English and shall be installed on site prior to the occupation of the scheme. The applicant

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shall consult with Dublin City Council's Irish Officer in relation to the translation of names.

Reason: In the interests of orderly street naming and numbering; to enhance urban legibility, and to retain local place name associations.

8. The car park hereby approved shall be retained for ancillary and associated use by the occupiers of the premises and shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interests of sustainable transportation.

9. The following requirements of the Public Lighting Services Division, Dublin City Council shall be complied with:

(i) Development shall not commence until full details and specifications of the public lighting system necessary to serve the development and access thereto have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, the proposed lighting system shall comply with the requirements set out in the General Specification for Public Lighting Design and Installation in Housing, Industrial and Commercial Developments (copies available from the Public Lighting Services Division). The proposed lighting system shall, if necessary, provide for the attachment of lanterns and fixtures to buildings in the development.

(ii) The agreed lighting system shall be fully implemented prior to the first occupation of the development, or if the Planning Permission relates to a phased development, prior to the first occupation of each phase.

Reason: in the interests of a properly planned and serviced development, and in the interests of public safety and convenience.

10. The development shall comply with the following requirements of Roads and Traffic Planning Division of Dublin City Council:

a) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

b) At least one car parking space shall be assigned permanently to each residential

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unit and shall be solely reserved for this purpose.

- c) The proposed cycle parking at ground floor level shall be secure, sheltered and well lit.
- d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of traffic safety

11. The development shall comply with the following requirements of Drainage Division of Dublin City Council:

- a. The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- b) A connection from this development to the public Surface Water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public drainage network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.
- c) The development is to be drained on a completely separate system with separate connections to the public foul and surface water systems.
- d) There is an existing public sewer running through the site. A clear distance of three metres shall be maintained between sewers and all structures on site. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No additional loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense.
- e) The developer shall carry out both a pre- and post-construction CCTV survey on the public sewers affected by this development, as agreed with Drainage Division. The pre-construction survey is to be submitted to the Drainage Division prior to works commencing on site. The post-construction survey is to be submitted to the Drainage

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Division for written approval and any damage to the sewer shall be rectified at the developer's expense.

- f) The development shall incorporate Sustainable Drainage Systems in the management of stormwater. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.
- g) The outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.
- h) All surface water discharge from this development must be attenuated to two litres per second.
- i) Dublin City Council's Drainage records are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all drainage services that may be on the site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of the public drainage network; in both hard and soft copy in an approved format; are to be submitted by the Developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.
- j) All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason: To ensure a satisfactory standard of development.

12. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.

Reason: In the interests of amenity, ecology and sustainable development.

13. (c) Part V - Social Housing

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Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000 (as amended).

Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 - 2002.

14. The application shall comply with the following waste management requirements in the planning process:

(a) The requirements set out in the separate Bye-Laws for the Collection, Storage and Presentation of both Household and Commercial waste and certain related waste management matters must be adhered to and, in particular, the requirements in the Bye-Laws to segregate waste into separate fractions to facilitate the collection dry recyclable, organic kitchen/garden waste and residual waste.

(b) Bins that comply with IS EN 840 1997 must be used. Ideally, 1,100 Litre bins should be used with dimension of 1.3 metres long by 1.0 metres wide by 1.3 metres high and with a load capacity of approximately 0.5 tonnes. Other types of receptacles may only be used with the written consent of Dublin City Council.

(c) For commercial developments there must be enough storage space for a minimum of 1 no. 1,100 litre bin per 10 bags to be collected. For apartment schemes, these must be sufficient storage space for a minimum of 1 no. 1,100 litre bin per fifteen people availing of the communal apartment collection scheme.

(d) Sufficient space must be provided to accommodate the collection of dry recyclable and organic kitchen waste/ garden waste. Provision should also be made for the collection of glass (separated by colour) in Bottle Banks within the curtilage of the Development. The Total footprint of each of these banks is 4 metres by 2 metres wide. The location must be external, with the sufficient access and clearance for servicing using a crane.

(e) The bin storage areas must not be on the public street and should not be visible or accessible to the general public.

(f) The bin storage areas should be designed so that each bin within the storage

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area is accessible to occupants/employees of the development (including people with disabilities).

(g) Suitable wastewater drainage points should be installed in the bin storage area for cleaning and disinfecting purposes.

(h) A waste collection contract must be signed with Dublin City Council or a private waste collector who is the holder of a Waste Collection Permit, prior to the commencement of the collection of waste.

(i) Sufficient access and egress must be provided to enable bins to be moved easily from the storage area to an appropriate collection point on the public street nearby. The access and egress area should have no steps and have a minimal incline ramp.

Reason: In order to ensure a satisfactory standard of development.

15. Prior to the commencement of Development, a Project Construction and Demolition Waste Management Plan shall be submitted to and agreed to writing by the Planning Authority.

Reason: In the interests of the protection and conservation of the environment, having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DoEHLG, July 2006 and also Dublin City Council Waste Management Guidelines.

16. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

(c) Before the use hereby permitted commences, a scheme shall be submitted to and approved in writing, by the planning authority for the effective control of noise from the premises. The scheme shall be implemented before the use commences and

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thereafter permanently maintained.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

17. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

18. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

19. (a) Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

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Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

20. Prior to the commencement of development, the developer shall lodge with the planning authority a deposit, a bond of an insurance company/bank, or security to secure the satisfactory completion, and maintenance of services (including maintenance until taking-in-charge by the Local Authority of roads, open spaces, car parks, public lighting, sewers, watermains and drains.) The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

21(a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

22. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

The applicant should note that development on foot of this **Decision to Grant** may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanála following consideration of an appeal.

- **Your attention is drawn to the requirements of the attached “Codes of Practice”.**

Schedule A: Drainage Division
Schedule B: Roads, Streets & Traffic Division
Schedule C: Air Quality Monitoring and Noise Control Unit

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N.B.

- It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes or legislation affecting the proposal, including the requirements of the Building Regulations, and Waste Management Acts.
- A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
- A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
- . Any observations or submissions received by the Planning Authority in relation to this application have been noted.

NOTES TO APPLICANT:

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanála within **FOUR WEEKS** beginning on 14-Oct-2015. (N.B. not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal **MUST BE FULLY COMPLETE** in all respects - including the appropriate fee - when lodged. It is not permissible to submit any part of it at a later date, even within the time limit.
- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

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- In relation to the Financial Contribution conditions, please note that this figure may be increased from January 2010 in line with the Wholesale Price Index (Building and Construction Materials).
- In relation to Compliance conditions three copies of compliance drawings will be required by the Planning Authority.

Signed on behalf of the Dublin City Council:

For Assistant Chief Executive

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PLANNING & DEVELOPMENT DEPARTMENT
Date: 16-Oct-2015

DEPUTY PLANNING OFFICER

APPLICATION NO.	2620/15
PROPOSAL	The development consists of: - The demolition of the existing Meeting Room, - The construction of a 4 storey (including recessed top floor) residential development with 40 apartments, (8 one bedroom, 25 two bedroom and 7 three bedroom). All apartments with south or west facing balconies/terraces. - Ramp accessed basement with parking for 68 cars, storage sheds, waste recycling and plant rooms.
LOCATION	The Brethern's Meeting Room, The Glen, Watermill Road, Raheny, Dublin 5
APPLICANT	The Churchtown Trust
DATE LODGED	17-Sep-2015
ZONING	Zone 1 - DEV PLAN 2011-2017
APPLICATION TYPE	Permission

DM/NC

13/10/2015

Additional Information Report

I refer to the previous planning report in which Additional Information was requested on 16/6/15

A response to the Council's Additional Information request was received on 17/9/15:

Additional Information Request item 1

The applicant is requested to further minimise potential overlooking of residential areas outside the site and within the site as follows:

a. It is considered that the stated 11m overlooking distance achieved to 3rd party private garden boundaries from both the louvered windows and recessed windows at above 1st floor level is inadequate to prevent undue observation of such amenity space. The applicant shall

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address the issues of overlooking and modifying the proposed design as necessary to achieve this.

b. The applicant proposes a raised planter along the main northern boundary but has provided limited details of same. The applicant is requested to provide a cross-section of the proposal and detail how overlooking into adjoining 3rd party gardens from this raised level would be controlled.

c. The applicant is requested to provide notional viewing lines from balconies and windows serving habitable rooms into adjoining 3rd party residential areas.

d. The applicant is requested to provide a site section view showing the scheme in relation to the existing Watermill Lawn housing area.

e. It is recommended that 1.8m screens are provided at suitable intervals between adjoining balconies and terraces.

f. It is recommended that natural screening buffers are provided for ground floor windows and patios between them and general circulation areas and also at entrance zones to the apartment block.

g. It is recommended that the exits from the basement stairwells are redirected and screened away from ground floor master bedrooms.

1a

In response the applicant has submitted revised 1st and 2nd Floor Plans and a revised North elevation which indicate revisions to obviate overlooking issues raised by the Planning Authority

The louvered windows on the north face of the master bedrooms on both floors have been replaced by windows set 1800mm above floor level.

An open grid balcony, without access, with 1500mm high opaque glazing has been placed in the recess outside the bedrooms on the 2nd floor with windows facing the rear gardens of the houses on Maywood Lawn. A 1:50 detail is also provided to show how this will work in practice.

The revised 3rd floor plan indicates a 1500mm high opaque screen at the rear of the parapet in front of bedroom windows looking towards Maywood Lawn. The windows will be top hung to restrict their use as roof access to ensure that these roof areas will not be used as balconies.

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The revised 3rd floor, 2nd floor, and 1st floor plans indicate a revision to the window in bedroom 2 in Apts 9, 21, and 33. The original window facing towards Maywood Lawn has been replaced with a projecting window in the eastern gable with a south facing window.

The sections drawings are provided to demonstrate that these measures obviate the overlooking issues raised. All these proposals include 1500mm high opaque glazed screens which, because of their set back distance from the window line will be enough to eliminate overlooking.

1b

Revised landscape details also include details of the proposed raised planter along the Northern Boundary to indicate how overlooking into adjoining gardens will be controlled

1c

A drawing has been submitted which shows notional viewing lines from balconies and windows serving habitable rooms into adjoining 3rd Party Residential areas.

The applicant notes that the drawing demonstrates that the proposed revisions as outlined in 1a above effectively eliminates any overlooking of the gardens and housing of Maywood Lawn to the north of the proposed development.

The drawing also indicates the sight lines from the balconies and windows on the south side of the proposed development. These sightlines overlook the open space on the north side of the existing Water Mill Development. (Which the applicant notes is not amenity space.) It is occupied by the basement access ramp to the Water Mill Development and a steep embankment.

In addition to a separation distance of more than 24m between windows and 22m between balconies, the applicant considers that any overlooking is obscured by well-established planting on this planted embankment.

1d

The applicant notes that Drawing No 1401_2009 Rev A also shows sights lines towards the back gardens of Watermill Lawn. These gardens are obscured from the lower floors by the embankment and are more than 34m from the other edge of the nearest balcony on the 2nd floor to the wall of the nearest rear garden with established trees in between.

1e

The applicant is to provide 1500mm high opaque glass screen on the right hand side of each balcony to increase privacy and consider that this height is adequate to provide visual

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screening, especially when seated, without being unnecessarily obtrusive.

An 1800mm high opaque screen has been added to the northern side of the terrace to apts. 20 and 32. The screen will return for 1/3 of the front of the balcony to ensure that there is no overlooking of 3rd parties.

The applicant has also introduced an 1800mm high opaque screen on the northern part of apt. 40. This screen too will restrict access to the northern part of the roof terrace so as diminish potential overlooking of 3rd parties.

The kitchen windows in the eastern gable will be fitted with opaque glazing.

1f

The revised landscape plan indicates proposals for natural screen buffers for ground floor windows and patios.

1g

The revised Ground Floor Plan, now shows the basement stairwells redirected away from the master bedrooms

The submission and obviolation solutions are considered generally acceptable. There would be scope to agree the height of privacy subdivisions between terraced balconies.

Additional Information Request item 2

The applicant is requested to provide shadow assessments indicating: existing baseline impacts; baseline impacts without natural screening above 1.5m; as well as proposed impacts.

a) This study should clarify impacts on passive solar gain as per section 3.2 of the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight.

b) This study should also clarify the impact of the proposal upon adjoining private garden space, over and above the existing baseline indicating how the impact compares with the recommendations of section.3.3.17 of the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight.

c) Similarly an indication should be provided as to how well sunlit the proposed balconies and terraces and communal space will be for future occupants of the scheme.

The applicant in response has commissioned IES Ltd, Sustainability Consultants, to respond

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to the requirements outlined in paragraph 2 of the request for Further Information including 26a Maywood Lawn and No.93 The Village.

2a

The applicant notes that the IES Report indicates that the windows of the existing dwellings all receive more than 25% of annual probable sunlight hours and therefore comply with the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight recommendation in Section 3.2.11;

2b

The Report indicates that all garden spaces of the adjacent existing dwellings receive at least 2 hours of sunlight on 21st of March and therefore comply with the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight recommendation in Section 3.3.17

2c

The Report indicates that all proposed balconies and terraces areas considered receive at least 2 hours of sunlight on 21st of March and therefore complies with the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight recommendation in Section 3.3.17

The report also notes that solar glare/dazzle will be minimised by design due to the orientation of the adjacent houses located to the north.

While the submission is generally acceptable – there does not seem to have been actual assessment of impacts upon No.93 The Village. While the shadowing for the BRE's baseline time of March 21 would see no discernible increase of overshadowing there was however no apparent assessment of degree of sun on ground and there appears to be potential additional summer shadowing in the evening time in excess of sites located to the north of the site. Likewise there was no assessment on said neighbour's access to daylight – but using the BRE's 45 degree test the development seemed to be within obstruction tolerances.

It is therefore recommended omitting apt 33 on the 3rd floor and apt 21 on the 2nd floor – which would provide for a better transition between new and existing developments – with the revised 2-storey eastern elevation being closer in height and impact as a 2-storey dwelling, and less potential overshadowing during the summer in the evening.

Additional Information Request item 3

The applicant is requested to provide a daylight impact study of the proposed development upon adjoining 3rd party residences using the assessment tools and recommendations of the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight.

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The applicant in response notes that their IES Report concludes that the windows of the existing dwellings all have a vertical sky component of not less than 0.8 times their former value and therefore comply with the BRE's 2011 guidance document *Site Layout Planning for Daylight and Sunlight*.

The submission is acceptable.

Additional Information Request item 4

The applicant is requested to clarify that the average daylight factor and uniformity of same for all habitable rooms meets the best practice recommendations of BS 8206 2 2008 Lighting for Buildings. Any assessment should also account for any obviation measures. (It is noted that the single aspect apartments are deeper than the recommended 8m depth). It is recommended that bathrooms positioned next to an outside wall should at least be provided with high level opaque glazed windows.

The applicant in response notes that the daylight factor calculations contained in the attached Report by IES were completed on ten rooms per floor as a sample representation of the overall proposed development. All rooms analysed have daylight factors in excess of the minimum recommended values from BS8206 guidance and therefore comply with the BS8206 guidance document.

The applicant notes that the design of the development takes advantage of the elevated southern aspect of the site to provide every apartment with a large south facing balcony. Where the depth of some 1-bedroom single aspect apartments exceeds the recommended 8m maximum depth it is considered that the access to a large balcony more than compensates.

Further the applicant notes that the Daylight Factor calculations are based on an 'overcast sky' which does not make allowances for the southerly aspect in this case.

The submission is considered acceptable.

Additional Information Request item 5

The applicant is requested to ensure that hall way sizes comply with the Development Plan requirements. An updated accommodation schedule should be provided noting hallway dimensions and bathroom sizes and which of the latter will be naturally ventilated. It is noted that the scheme is below the Development Plans recommended 85m² Target Average Floor

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Area across a scheme.

The applicant in response notes that an updated Accommodation Schedule is attached including bathroom sizes. In addition to bathrooms that already have windows; the applicants have added windows to bathrooms/ensuites in apartment Nos. 7, 8, 9, 18, 21, 30 and 40. All bathrooms/ensuites with windows will be natural ventilated

The applicant notes that the proposed development is now in compliance with the minimum Hallway requirements of Chapter 17 Paragraph 9.1 of the Dublin City Development Plan 2011 - 2017; these requirements have been outlined on the attached revised Ground Floor, 1st Floor, 2nd Floor and 3rd Floor Plans.

The applicant's revised Accommodation Schedule shows that all apartments are above the minimum requirements of Paragraph 9.1 of the Dublin City Development Plan 2011 – 2017.

Although the average floor area across the scheme falls below the Target Average Floor Area of 85 sq.m. this is more than compensated by the large balconies which are a feature of every apartment. 1 bedroom apartments have balconies 5 sq.m. in excess of the minimum requirements, 2 bedroom apartments have balconies more than 3sq.m. in excess of minimum requirement and 3 bedroom apartments have balconies more than 3 times the minimum requirement.

The applicant has submitted possible furniture layouts in typical 1 and 2 bedroom apartments.

The submission is acceptable.

Additional Information Request item 6

The applicant is requested to explore with the Roads & Traffic Planning Division how they will integrate their proposed pedestrian access into the local public footpath network

The applicant notes that the updated Site Plan indicates a revised pedestrian pathway within the site which has been realigned with the public footpath on the roadway leading to the development. This will link the development to the local footpath network by way of the existing public footpath on the north side of "The Village" road to the front of the site. The path serving the southern side of the structure is to have a pedestrian crossing constructed at the basement access ramp to facilitate pedestrian crossing.

They note that the path to the rear of the apartment complex, which will serve the proposed bike storage areas, will be linked directly to this footpath via the pedestrian entrance to be constructed at the front of the site.

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The proposed development is considered acceptable from a Roads and Traffic perspective.

Additional Information Request item 7

The applicant is requested to clarify their landscaping proposals as follows:

- a) To provide an existing tree survey, noting what trees are to be removed and what protection measures are proposed for retained trees*
- b) Outline the location of basement below landscape layout*
- c) Provide brochure samples for new boundary fencing and clarify height of this fencing.*
- d) Provide cross –section details of the raised planter bed along the northern boundary.*
- e) The applicant is requested to investigate softening the impact on the basement entrance such as applying a pergola type structure over the basement*

7a

The applicant in response has submitted A Tree Survey which comprises a basic tree survey and a summary report of the material of Arboricultural interest upon and adjoining the site. It reports that the site supports a rather limited tree population that is for the most part, of fair to poor quality. The best planting is on the southern edge outside the boundary of the site. The proposed development will cause the removal of most of the tree and shrub material on the site. This will be replaced by a comprehensive landscaping plan

7b

An outline of the basement below the landscape plan has been provided in response. The drawing demonstrates the area available outside the building line that will be available for the proposed replanting of the southern and western boundaries.

7c

The applicant has attached a brochure for NK Fencing which illustrates the proposed simple painted mild steel railings that will run along the southern boundary. The existing mature planting on the embankment side will be matched by new planting on the side of the proposed development. This will downplay the existence of the railings and create an illusion

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of a natural boundary.

7d

The applicant notes that the proposed raised planter on the northern boundary will be 1500mm high to allow for the planting of 3.5m high trees. The height of the planter will also discourage climbing and the possibility of overlooking of the rear gardens of Maywood Lawn.

7e

The attached KFLA Drwwg. No. 0244.102 also includes details of a planted pergola of Mild Steel

The submission is generally acceptable.

Additional Information Request item 8

While permeability of residential sites and connections to external linkages are welcome the applicant is requested to provide more details of: how the proposed river access relates to current/proposed greenway strategies; how will access be controlled; and how will it provide access for all.

The applicant has discussed the concept of a linear Park along the Santry River behind Watermill Lawn and Maywood Lawn with Parks Department. The proposal is only aspirational. They also note that there are major land ownership issues to be tackled before such a proposal could be implemented.

In the meantime, the applicant notes that site layout is designed to acknowledge and take advantage of the existing amenity of the Santry River. The open space surrounding the development culminates in a large communal area overlooking the escarpment in the South West corner of the site and the river below.

They note that the site is ideally located to avail of the proposed greenway cycling infrastructure in the area as set out in the NTA's "Greater Dublin Area Cycle Network Plan". The site is located approximately 425m from the Watermill Road – James Larkin Road junction. The intersection of the planned Santry River Greenway and the East Coast Trial Greenway cycle routes is to occur at this junction. Full details of the routes in relation to the site can be found in CSEA's *Linkages to Existing Cycling Infrastructure Report* and the associated drawings.

The submission is noted.

Additional Information Request item 9

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The applicant is requested to submit an appropriate flood risk impact assessment for the proposed development, which identifies and proposes solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial and groundwater. Reference should be made to the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009. Flood risks from 30-year and 100-year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable, and that the proposals do not increase the risk of flooding to any adjacent or nearby area (over the risk of flooding from a greenfield site).

The applicant notes that a Stage 1 Flood Risk Assessment has been prepared in accordance with the requirements of the Department of the Environment Publication "The Planning system and Flood Risk Management guidelines for Planning Authorities (FRMG) published in November 2009. Full details of this assessment can be found in CSEA's Flood Study Report. The flood risk assessment has been undertaken to determine if a flood risk exists for the proposed development or if the development poses a flood risk to neighbouring properties, and if so to determine the extent of the risk. The following documents and sources were reviewed:

- The OPW Flood Hazard Website, floodmaps.ie.
- CFRAM Catchment Flood Risk Assessment Map, as published by the OPW.
- Proposals for neighbouring coastal flood defence works.
- Historical O.S. Mapping.
- Dublin City Council Drainage Record Drawings.
- The existing topographical survey information.
- The proposed developments surface water attenuation design.

Having assessed the available information and inspected the site and its environment, the applicant considers that the proposed development is not deemed to be at any significant risk of flooding. This is primarily attributable to the local topography. The redevelopment of this site will also provide significant benefit in considerably reducing the surface water discharge into the existing council surface water network and consequently reduce the potential for flooding in the local surface water network.

DCC Drainage have raised no objections subject to their recommended conditions

Additional Information Request item 10

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The applicant is requested to update all surveys to indicate all adjoining existing development.

The attached Drawing No 1401_2016 extends the survey information to include Watermill Road, Watermill Lawn and Maywood Lawn

The submission is noted.

Recommendation:

I recommend that permission be **granted** on this development subject to the following Conditions

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made there under are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 17/09/2015, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The developer shall pay the sum of €303,963.84 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the

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administrative area of the Local Authority.

Note:

From the 1st of January 2014, Irish Water are now the statutory body responsible for both water supply and waste water services, including the collection of any charges that may be associated with the provision of these services.

- Accordingly the level of contributions applied by Dublin City Council to decisions from the 1st of January 2014, under the current Section 48 Development Contribution Scheme have been reduced by 25% (per square metre of approved development), to take into account the contribution associated with these services. The reduction has been applied to this decision.

- Dublin City Council retains control and responsibility for surface water and flood alleviation works.

3. Prior to commencement of any development on site the applicant shall submit revised details for the written agreement of the planning authority indicating:

a) The omission of proposed apartment 33 on the 3rd floor and apartment 21 on the 2nd floor, with any subsequent roof area not to be used as accessible roof garden.

b) Details of privacy screens between balconies

Reason: In the interests of residential amenity.

4. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

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

5. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

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6. The developer shall pay the sum of €4000 per residential unit (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2) (c) of the Planning and Development Act 2000, as amended, in respect of public open space.

This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

7. The naming and numbering of streets, buildings and business or dwelling units shall be in accordance with a street naming and numbering scheme submitted to, and agreed in writing by, the planning authority. The names selected shall reflect local place names, or be of local historical interest, and be in both Irish and English and shall be installed on site prior to the occupation of the scheme. The applicant shall consult with Dublin City Council's Irish Officer in relation to the translation of names.

Reason: In the interests of orderly street naming and numbering; to enhance urban legibility, and to retain local place name associations.

8. The car park hereby approved shall be retained for ancillary and associated use by the occupiers of the premises and shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interests of sustainable transportation.

9. The following requirements of the Public Lighting Services Division, Dublin City Council shall be complied with:

(i) Development shall not commence until full details and specifications of the public lighting system necessary to serve the development and access thereto have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, the proposed lighting system shall comply with the requirements set out in the General Specification for Public Lighting

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Design and Installation in Housing, Industrial and Commercial Developments (copies available from the Public Lighting Services Division). The proposed lighting system shall, if necessary, provide for the attachment of lanterns and fixtures to buildings in the development.

(ii) The agreed lighting system shall be fully implemented prior to the first occupation of the development, or if the Planning Permission relates to a phased development, prior to the first occupation of each phase.

Reason: in the interests of a properly planned and serviced development, and in the interests of public safety and convenience.

10. The development shall comply with the following requirements of Roads and Traffic Planning Division of Dublin City Council:

- a) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- b) At least one car parking space shall be assigned permanently to each residential unit and shall be solely reserved for this purpose.
- c) The proposed cycle parking at ground floor level shall be secure, sheltered and well lit.
- d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of traffic safety

11. The development shall comply with the following requirements of Drainage Division of Dublin City Council:

- a. The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- b) A connection from this development to the public Surface Water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public drainage network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the

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Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.

c) The development is to be drained on a completely separate system with separate connections to the public foul and surface water systems.

d) There is an existing public sewer running through the site. A clear distance of three metres shall be maintained between sewers and all structures on site. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No additional loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense.

e) The developer shall carry out both a pre- and post-construction CCTV survey on the public sewers affected by this development, as agreed with Drainage Division. The pre-construction survey is to be submitted to the Drainage Division prior to works commencing on site. The post-construction survey is to be submitted to the Drainage Division for written approval and any damage to the sewer shall be rectified at the developer's expense.

f) The development shall incorporate Sustainable Drainage Systems in the management of stormwater. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.

g) The outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.

h) All surface water discharge from this development must be attenuated to two litres per second.

i) Dublin City Council's Drainage records are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all drainage services that may be on the site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of the public drainage network; in both hard and soft copy in an approved format; are to be submitted by the Developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.

j) All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

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Reason: To ensure a satisfactory standard of development.

12. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.

Reason: In the interests of amenity, ecology and sustainable development.

13. (c) Part V - Social Housing

Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000 (as amended).

Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 - 2002.

14. The application shall comply with the following waste management requirements in the planning process:

(a) The requirements set out in the separate Bye-Laws for the Collection, Storage and Presentation of both Household and Commercial waste and certain related waste management matters must be adhered to and, in particular, the requirements in the Bye-Laws to segregate waste into separate fractions to facilitate the collection dry recyclable, organic kitchen/garden waste and residual waste.

(b) Bins that comply with IS EN 840 1997 must be used. Ideally, 1,100 Litre bins should be used with dimension of 1.3 metres long by 1.0 metres wide by 1.3 metres high and with a load capacity of approximately 0.5 tonnes. Other types of receptacles may only be used with the written consent of Dublin City Council.

(c) For commercial developments there must be enough storage space for a minimum of 1 no.

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1,100 litre bin per 10 bags to be collected. For apartment schemes, these must be sufficient storage space for a minimum of 1 no. 1,100 litre bin per fifteen people availing of the communal apartment collection scheme.

(d) Sufficient space must be provided to accommodate the collection of dry recyclable and organic kitchen waste/ garden waste. Provision should also be made for the collection of glass (separated by colour) in Bottle Banks within the curtilage of the Development. The Total footprint of each of these banks is 4 metres by 2 metres wide. The location must be external, with the sufficient access and clearance for servicing using a crane.

(e) The bin storage areas must not be on the public street and should not be visible or accessible to the general public.

(f) The bin storage areas should be designed so that each bin within the storage area is accessible to occupants/employees of the development (including people with disabilities).

(g) Suitable wastewater drainage points should be installed in the bin storage area for cleaning and disinfecting purposes.

(h) A waste collection contract must be signed with Dublin City Council or a private waste collector who is the holder of a Waste Collection Permit, prior to the commencement of the collection of waste.

(i) Sufficient access and egress must be provided to enable bins to be moved easily from the storage area to an appropriate collection point on the public street nearby. The access and egress area should have no steps and have a minimal incline ramp.

Reason: In order to ensure a satisfactory standard of development.

15. Prior to the commencement of Development, a Project Construction and Demolition Waste Management Plan shall be submitted to and agreed to writing by the Planning Authority.

Reason: In the interests of the protection and conservation of the environment, having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DoEHLG, July 2006 and also Dublin City Council Waste Management Guidelines.

16. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of

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practice for basic information and procedures for noise control."

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

(c) Before the use hereby permitted commences, a scheme shall be submitted to and approved in writing, by the planning authority for the effective control of noise from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

17. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

18. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

REP1letter

Planning Registry & Decisions, Planning Department
Civic Offices, Wood Quay, Dublin 8

Clárlann / Cinntí Pleanála
An Roinn Pleanála agus Forbartha, Clárlann / Cinntí
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
Registry T: (01) 222 2149 / F: (01) 222 2675
Decision T: (01) 222 2288 / F:

(01) 222 2271

Date 16-Oct-2015

19. (a) Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

20. Prior to the commencement of development, the developer shall lodge with the planning authority a deposit, a bond of an insurance company/bank, or security to secure the satisfactory completion, and maintenance of services (including maintenance until taking-in-charge by the Local Authority of roads, open spaces, car parks, public lighting, sewers, watermains and drains.) The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

21(a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

22. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

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Date «Current_Date»