



ARCHITECT'S OPINION ON COMPLIANCE WITH PLANNING PERMISSION AND/OR EXEMPTION FROM PLANNING CONTROL

FORM 4

This document is copyright and it is warranted by the signatory that the standard text of this digital document is unaltered. It may not be reproduced in whole or in part by any party without the written agreement of the RIAI. Purchase of this document does not give or imply any right or licence to reproduce copies or use the text. One copy may be used for the Clients' record © The Royal Institute of the Architects of Ireland (2002).

**MARCH 1993 ISSUE
PRINTED ON-LINE EDITION September, 2015**

*Published by The Royal Institute of the Architects of Ireland in agreement with the Law Society
for use in appropriate circumstances.*



**ARCHITECT'S OPINION
ON COMPLIANCE WITH PLANNING PERMISSION
AND/OR EXEMPTION FROM PLANNING CONTROL
FORM 4
MARCH 1993 ISSUE
PRINTED ON-LINE EDITION September, 2015**

1. I am a Registered Member of The Royal Institute of the Architects of Ireland, this being a qualification listed in Directive 384/85/EEC of the European Community, retained by Declan Taite, Statutory Receiver, on behalf of Radora Developments Limited (In Receivership) (hereinafter called "the Employer") of C/O Duff and Phelps, Molyneux House, Bridestreet, Dublin 8 to furnish an Opinion on the Compliance of

ancillary buildings at Elm Park, Merrion Road, Dublin 4, to include the leisure centre and the conference centre.

[hereinafter called "**the Relevant Development** "] with Planning Permission and / or exemption from planning control within the meaning of the Planning Acts.

This Opinion is based on the Visual Inspection only of the Relevant Development carried out for the purpose of comparison of such with the Relevant Documents. It is issued solely for the Development with Planning Permission within the meaning of the planning Acts. Except insofar as it relates *Contd Appendix 1

2. I have provided the following architectural services in connection with the **Relevant Development** services as set out in our service proposal dated 15 March 2013 and including planning application for retention of works in connection with Block HH.
3. On 7 September 2015 I inspected the **Relevant Documents** at the offices of Dublin City Council & An Bord Pleanala ["the relevant Planning Authority"] for the purposes of comparison of the **Relevant Development** with the **Relevant Documents**. I confirm that the Planning Orders in the Schedule hereto (hereinafter called "**the Planning Orders**") are those registered in respect of and relating to the **Relevant Development**.
4. On 8 September 2015 ("the Inspection Date") I carried out a **Visual Inspection** of the **Relevant Development** for the purposes of comparison of the **Relevant Development** with the **Relevant Documents**.
5. I am of the opinion that based on the services provided as described at 2 above, an on comparison of the Relevant Development with the Relevant Documents, the Relevant Development, and insofar as the change of the use of works *Contd Appendix 2
6. I am also of the opinion that the conditions of the Planning Orders relating to the overall Development(s) of which the Relevant Development forms part, have been substantially complied with insofar as is reasonably possible at this *Contd Appendix 3

DEFINITIONS

"Planning Acts" means the Local Government (Planning and Development) Acts, 1963 to 2002 and any statutory modification or re-enactment thereof current at the Date of Issue of this Opinion, and all Regulations, Statutory Instruments and Orders made under or pursuant to the said Acts and for the time being in force.

"Substantial Compliance with the Planning Orders" means that:

- [a] the **Relevant Development** is constructed in accordance with the said Planning Orders saving and excepting such minor deviations which in my opinion do not constitute a contravention of the proper planning and development of the area as expressed through such Planning Orders and the Development Plan, and
- [b] such minor deviations do not warrant the issue of enforcement proceedings by the relevant Planning Authority as provided for in the Planning Acts.

"Relevant Documents" means inter alia those drawings and documents, available on the date at 3 above, for public inspection on the planning file, which were submitted to, and on foot of which, the relevant Planning Authority issued the Planning Orders.

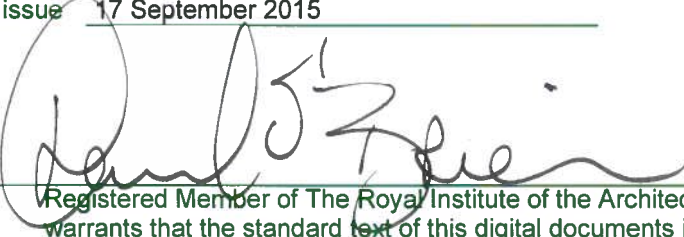
"Visual Inspection" means an inspection of the Relevant Development as existed on the Inspection Date. No opening up was carried out. The inspection was superficial only and therefore took no account of works covered up or inaccessible.

This opinion does not in any way warrant, represent or take into account any of the following matters:

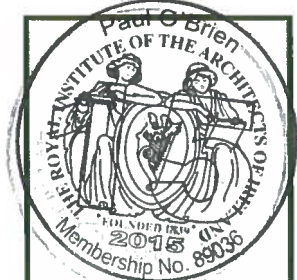
- 1. The accuracy of dimensions in general save where incorporated by virtue of the conditions of the Planning Orders.
- 2. The following conditions, compliance with which cannot be established
 - Register Ref. PL 29S 243 763 Condition[s] 1 to 10
 - Register Ref. PL 29S 201622 Condition[s] 25 and 26
 - Register Ref. 2894/15 Condition[s] 2, 4, 5, 6 and 7
- 3. Matters in respect of private rights or obligations.
- 4. Matters of financial contribution and bonds.
- 5. Development of the property which may occur after the Inspection Date.
- 6. Any other development attached to, associated with or otherwise connected to the Relevant Development, save insofar as such other development may affect the Substantial Compliance with the Planning Orders or exemption from Planning Control within the meaning of the Planning Acts of the Relevant Development.

Date of issue 17 September 2015

Signed


Registered Member of The Royal Institute of the Architects of Ireland who warrants that the standard text of this digital documents is unaltered

RIAI
MEMBERSHIP STAMP



©This document is copyright and is for signature by Registered RIAI Members only.

The RIAI is aware that persons are using the affix "MRIAI" who are not members and who are not eligible to be members. Verification of membership can be obtained from the or by means of a current RIAI membership stamp.

©The Royal Institute Of The Architects Of Ireland

RIAI, 8 Merrion Square, Dublin 2. Phone: +353 1 676 1703. Fax: +353 1 661 0948, e-mail: info@riai.ie, www.riai.ie

The RIAI is the representative body for professionally qualified architects in Ireland and is a member of the Architects Council of Europe and the International Union of Architects.

This document is copyright and it is warranted by the signatory that the standard text of this digital document is unaltered. It may not be reproduced in whole or in part by any party without the written agreement of the RIAI. Purchase of this document does not give or imply any right or licence to reproduce copies or use the text. One copy may be used for the Clients' record © The Royal Institute of the Architects of Ireland (2002)

SCHEDULE attached to the Opinion on Compliance with Planning Permission for

- i Development Retention of revisions to development permitted by reg. ref 1539.62 and permission for change of use from hotel and private *Contd Appendix 4

Register Reference No: PL 29S243763
Decision Order No: (2773/14)

Date: -
Date of Grant of Permission: 8 January 2015

- ii Development Mixed use scheme at Elm Park (lands adjacent to Saint Marys House and Caritas Convalescent Centre at Merrion Road Dublin 4.

Register Reference No: PL 29S201622
Decision Order No: (1539/02)

Date: -
Date of Grant of Permission: 1 October 2003

- iii Development Planning Permission and retention permission for development at Elm Park Merrion Road, Dublin 4.

Register Reference No: 2894/15
Decision Order No: P2121

Date: 29 May 2015
Date of Grant of Permission: 28 August 2015

- iv Development -

Register Reference No: -
Decision Order No: -

Date: -
Date of Grant of Permission: -

©This document is copyright and is for signature by Registered RIAI Members only.

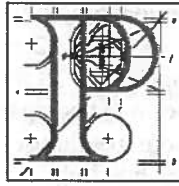
©The Royal Institute Of The Architects Of Ireland

RIAI, 8 Merrion Square, Dublin 2. Phone: +353 1 676 1703. Fax: +353 1 661 0948, email: info@riai.ie, www.riai.ie

**ARCHITECT'S OPINION ON COMPLIANCE WITH PLANNING PERMISSION AND/OR
EXEMPTION FROM PLANNING CONTROL.**

- Appendix 1:** ...to such compliance it is not a report on the condition or structure of the Relevant Development.
- Appendix 2:** ...not been carried out yet, is in Substantial Compliance with the Planning Orders.
- Appendix 3:** ... the Development, and save for conditions 1 to 10 of An Bord Pleanala Decision Reference PL 29S.243763 as the change of use works have not yet been carried out.
- Appendix 4:** ... hospital use to office use. Block HH Elm Park Merrion Road, Dublin 4.

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

Dublin City

Planning Register Reference Number: 1539/02

An Bord Pleanála Reference Number: PL 29S.201622

APPEAL by Dornden Park Residents Association care of Finbar Hazel of 36 Dornden Park, Booterstown, County Dublin, by Radora Developments Limited care of John Spain Associates of 56 Fitzwilliam Square, Dublin and by others against the decision made on the 18th day of December, 2003 by Dublin City Council to grant subject to conditions a permission to the said Radora Developments Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Mixed use scheme comprising; 32,721 square metres of residential development consisting of 315 residential units including 122 number one bedroom apartments, 162 number two bedroom apartments, 24 number three bedroom penthouses, seven number four bedroom penthouses in two number eight buildings; A further 101 housing units for the elderly and disabled in seven number two storey buildings with a gross floor area of 5,955 square metres (for Dublin City Council) to include 82 number one bedroom units, three number two bedroom units, eight number one bed disabled units and 8 number two bedroom units; A 10,383 square metres hotel in an eight storey building with 168 bedrooms, restaurant, bar and conference rooms; 28,388 square metres of offices and 2,530 square metres of associated plant rooms in three number eight storey buildings; A 12,011 square metres private hospital in a five storey building (linked to the hotel building); Ancillary buildings to include a conference centre with a floor area of 1,400 square metres, a restaurant with the floor area of 1,100 square metres, leisure centre with a floor area of 2,150 square metres, a crèche with a floor area of 425 square metres and pavilions with a floor area of 250 square metres; The development includes 1,302 car parking spaces in an underground car park; a further 44 basement car parking spaces for the elderly and disabled housing; new vehicular access from Merrion Road and closure of existing access; Landscaping and open space; five electricity substations; ancillary works; 239 number bicycle spaces below ground and 361 number bicycle spaces above ground, and site development works. All on lands adjacent to Saint Mary's Home and Caritas Convalescent Centre at Merrion Road and Bellevue Avenue, Dublin on a site of 7.03 hectares. The application involves the realignment and upgrading of a section of Merrion Road. The scheme incorporates a new entrance for pedestrians and cyclists on Bellevue Avenue. The scheme was amended by a revised public notice to meet the City Councils requirements in relation to the provision of social and affordable housing and to revise the proposed vehicular

and pedestrian links to Saint Mary's Home and the Caritas Convalescent Centre. Residential Block 2 is revised to include 33 social housing units and 34 affordable housing units. The total number of residential units in Block 2 is increased from 89 to 110. The overall height and scale of Block 2 remains the same. The residential element in Blocks 1 and 2 now comprises of 33,809 square metres consisting of 336 residential units including 158 number one bed apartments, 152 number two bedroom apartments, 22 number three bedroom penthouses and four number four bedroom penthouses in two number eight storey buildings.

DECISION

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

REASONS AND CONSIDERATIONS

Having regard to the zoning provisions relating to these lands as set out in the current development plan for the area, their location beside a major transportation corridor where public transport facilities are available and likely to be enhanced by a new Quality Bus Corridor, to the coherence and high quality of the design and layout and to the range of uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of scale, design and traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by the planning authority on the 11th day of September, 2002 and the 24th day of October, 2002, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2.
 - (a) The colour and texture of all external finishes shall be agreed in writing with the planning authority prior to commencement of development. In this regard, sample panels shall be erected on the site for agreement.
 - (b) Details of the treatment of all glazed atria shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. No further structures, plant or antennae shall be erected on the roofs of any of the buildings in the development without a prior grant of planning permission.

Reason: In the interest of visual amenity.

4. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) The development shall be drained on the completely separate system with separate connections to the public foul and surface water systems.
- (c) All drainage from basement level shall be discharged to ground level before falling by gravity from the site to the public sewer.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Prior to commencement of development, details of road works on Nutley Lane and Merrion Road, including exact widths of QBC's, access/exit arrangements, provision of traffic lights at this junction, paving, marking, signage and setting out, shall be agreed with the planning authority. All such works undertaken by the planning authority on behalf of the developer in relation to the proposed development shall be carried out at the developers expense.

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

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and street lighting cables and incorporating broadband provision), shall be run underground within the site.

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

7. A lighting scheme for the entire site shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

8. No sign, banner or advertisement shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

9. (a) The internal road works associated with the proposed development including access to underground car park, its surface finishes and boundary treatment thereto shall be carried out in accordance with the requirements of the planning authority.
- (b) Details of set-down, servicing and delivery areas for the proposed hospital and hotel, including noise attenuation measures, shall be agreed with the planning authority before development commences, and shall be implemented as part of the development.

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

10. No more than 875 car parking spaces shall be provided to serve the proposed development which shall be allocated as follows:
- at least one space (which shall not be sold or let separately) per residential unit;
 - 227 spaces for office use;
 - 100 spaces for the hospital;
 - 51 spaces for the senior citizen housing, and
 - the balance of spaces for the hotel use.

A revised layout clearly outlining the above parking numbers and indicating that the various uses will be subject to segregation together with measures to be employed in the control and management of spaces shall be submitted and agreed in writing with the planning authority prior to commencement of development. The basement car park shall be exclusively restricted to the proposed uses and shall not be used as a public car park or for contract car parking.

Reason: In the interests of orderly development, road and pedestrian safety and residential amenity.

11. Within one month of the new site access becoming operational for the proposed development, the existing entrance to Saint Marys/Caritas shall be closed. Details of new boundary treatment for this existing entrance shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In the interest of orderly development and visual amenity.

12. Within eight weeks of the date of this order, the developer shall enter into an agreement with the planning authority under Section 96 of the Planning and Development Act, 2000 (as amended) in relation to the provision of social and affordable housing, in accordance with the requirements of the planning authority's housing strategy, unless, before the expiry of that period, the said developer shall have applied for and been granted an Exemption Certificate under Section 97 of the Planning and Development Act, 2000. In default of agreement, the matter shall be determined by An Bord Pleanála.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

13. Cycle parking to development plan standards shall be provided within the development. Cycle parking facilities shall be conveniently located, secure, easy to use, weather protected, adequately lit and well sign posted. Shower and changing facilities shall also be provided as part of the development.

Reason: It is the policy of the planning authority to encourage modal change from private car use towards increased use of public transport, cycling and walking.

14. The developer shall undertake to implement the measures outlined in the Mobility Management Framework and an independent consultant shall be appointed to monitor and review the Framework in consultation with and at intervals to be agreed with the planning authority.

Reason: To reduce the impact of the proposed development on the local road network and to encourage more sustainable commuting patterns.

15. The exact route of the proposed shuttle bus shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To reduce the impact of the proposed development on the local road network and to encourage more sustainable commuting patterns.

16. The balconies on the south facing elevation of residential block number 2 shall be omitted. All glazing at this gable shall be obscure and the balconies on the east and west facing balconies shall have opaque side screens. Revised drawings showing compliance with this condition shall be submitted to the planning authority for agreement prior to commencement of development.

Reason: In the interest of residential amenity.

17. Given the recorded presence of bats on the site, (page 101 of the EIS submitted with the planning application), details of mitigation measures for the retention of bat habitats during construction and operation of the site shall be agreed with the planning authority, in liaison with The Department of the Environment, Heritage and Local Government, prior to commencement of development.

Reason: In the interest of wildlife protection during redevelopment.

18. (a) During the construction phase, 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) All construction work and deliveries to the site shall be limited to between 0700 hours and 2100 hours, Monday to Friday, and between 0800 hours and 1500 hours on Saturdays. Any work outside these hours shall only be permitted with the written consent of the planning authority, having regard to the circumstances.

Reason: To safeguard the amenities of the area and in the interest of orderly development.

19. (a) Details of a solid waste Management Plan for the hospital, hotel, offices and ancillary buildings shall be submitted to the planning authority for written agreement prior to commencement of development.
- (b) Detailed proposals in relation to refuse storage in connection with the residential development shall be agreed with the planning authority and implemented prior to occupation of any of the units.

Reason: In the interest of amenity and orderly development.

20.

In close proximity to the proposed crèche, a play area for the occupants of the crèche shall be delineated together with suitable boundary treatment. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

21. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas which will not be taken in charge by the planning authority shall be submitted to the planning authority for agreement.

Reason: To ensure the adequate future maintenance of this development in the interest of residential amenity.

22. (a) Prior to commencement of development, an up-to-date tree survey, together with details of the protection measures and a tree bond shall be submitted to the planning authority for written agreement, clearly indicating trees to be felled, trees to be retained and appropriate remedial works to be undertaken. The agreed protection measures shall be maintained during the entire construction period to the satisfaction of the planning authority. In this regard, a complete base plan of the proposed development with all underground services and the exact location of trees shown to a scale of 1:500 shall be submitted to the planning authority for agreement.

- (b) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted and agreed with the planning authority before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of amenity and to provide for preservation of trees.

- 23. Details of location, extent, height and finish of boundary treatment shall be submitted and agreed with the planning authority prior to commencement of development. Particular attention shall be given to the boundary along Merrion Road and the proposed entrance.

Reason: In the interests of visual amenity and orderly development.

- 24. The developer shall facilitate the planning authority in the archaeological appraisal of the site and the watercourse and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site and in or adjoining the watercourse, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be determined by An Bord Pleanála.

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

25.

Prior to commencement of development, the developer shall lodged with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermain, drains, public open space and other services required in connection with the development, including any road damage may result from construction works, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of this security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be as determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

26.

Prior to commencement of development, the developer shall pay the sum of €2,638,105 (two million, six hundred and thirty-eight thousand, one hundred and five euro) (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 contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

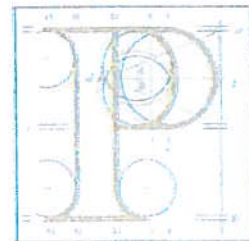
Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2003.

Our Ref: PL 29S.243763
P.A.Reg.Ref: 2773/14

An Bord Pleanála



Your Ref: Declan Taite Receiver

John Spain Associates,
50 Upper Mount Street,
Dublin 2.

09 JAN 2015

Appeal **Re:** Retention of revisions to development permitted by reg.ref:1539/02
and permission for change of use from hotel and private hospital
use to office use.
Block HH, Elm Park, Merrion Road, Dublin 4.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2014. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

In cases where a grant of (full) planning permission is notified by the Board, it is policy to include a copy of the Department of the Environment and Local Government's Leaflet PL11 - **Guide to the Building Control System** and a copy of the Health and Safety Authority's leaflet **Safety and Health on Construction Projects - The Role of Clients** with the notification. These leaflets are issued at the request of the above bodies.

Yours faithfully,



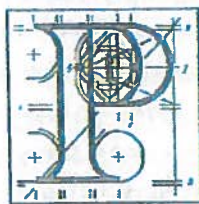
Mary McGrath,
Administrative Assistant.

Encl:

BP 100LN.ltr



An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Dublin City

Planning Register Reference Number: 2773/14

An Bord Pleanála Reference Number: PL 29S.243763

APPEAL by F and C Reit Asset Management care of BMA Planning of 128 Lower Baggot Street, Dublin and by Peter Ryan of 71 Trimleston Gardens, Booterstown, County Dublin against the decision made on the 25th day of July, 2014 by Dublin City Council to grant subject to conditions a permission to Declan Taite, Statutory Receiver on behalf of Radora Developments Limited (in receivership) care of John Spain Associates of 50 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of permission for: (a) change of use of the constructed Block HH (gross floor area 19,746 square metres excluding basement) previously permitted under planning register reference number 1539/02 from permitted hotel and private hospital use to office use (gross floor area 20,094 square metres), (b) construction of internal link bridges at third and fourth floor level to provide connections from the existing southerly vertical cores to the main floor plates at these levels, construction of previously permitted atrium at ground to second floor in the northern part of Block HH. These amendments result in an increase in gross floor area of 348 square metres, (c) relocation of internal cores within the permitted Block HH, (d) provision of a new main entrance at ground floor level on the southern part of Block HH. (e) construction of two number free standing canopies and provision of two number set down areas at each of the main entrance areas to Block HH, (f) revised treatment to the fenestration at ground and first floor and fifth, sixth and seventh floor to reflect existing modulation, (g) replacement of existing external doors at ground floor level with glazed double doors, (h) relocation and construction of previously permitted single storey pavilion structure (gross floor area 110 square metres) granted under planning register reference number 1539/02 and to develop it for use as a retail/café/restaurant unit. The pavilion will be located to the west of Block HH.

Retention permission for: (a) revised layout of entrance ramp and access road arrangements to development, (b) revised location of permitted entrance to northern part of block at ground floor level, (c) omission of permitted entrance to hotel on western elevation at ground floor of southern part of block, (d) constructed canopy structure (12 metres in height) located to the west of Block HH, (e) revised vehicular and access arrangements at basement level, (f) revised layout to basement area including parking and cycle layout, revised location of cores and plant and installation of planter boxes. Basement to include 485 number commercial car parking spaces including 261 number spaces to serve Block HH. 136 number bicycle spaces to serve Block HH with associated showers and lockers and (g) retention of car stacking system at basement level which is to be closed off and remain out of use, all at Block HH, Elm Park, Merrion Road, Dublin. The application site comprises of 1.89 hectares and is bound by Merrion Road to the east.

DECISION

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

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the 'Z6' zoning objective for the area, the provisions of the Dublin City Development Plan 2011-2017, the location of the building as part of the Elm Park campus, the complementary character of the design resolution of the physical alterations and additions to the building and the proximity of the building to public transport facilities, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The use of the pavilion structure and the hours of operation shall be submitted to, and agreed in writing with, the planning authority prior to its commencement of use.
- (b) Should the pavilion structure be used as a restaurant or café, the developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

3. All works to Block HH as detailed in the drawings submitted with the planning application, shall be carried out under the supervision of a qualified professional architect.

Reason: To secure the authentic preservation of this noteworthy example of contemporary structure and in the interest of preserving the architectural visual attributes of the original Elm Park scheme.



4. All identification signage for the office use at Block HH and the pavilion structure, associated advertisement structures, banners, canopies, flags and lighting structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage and other features mounted to the exterior of Block HH and the pavilion structure shall be provided in accordance with the agreed scheme and any variation from this scheme shall require a further grant of planning permission.

Reason: In the interest of urban legibility and in the interest of visual amenity.

5. Prior to commencement of development, details of all the external finishes to the proposed development together with the provision of any external lighting shall be submitted to, and agreed in writing, with the planning authority.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

X 8. The developer shall comply with the following requirements of the planning authority:

- (a) no more than 161 number car parking spaces (one per 125 square metre office floor area) shall be provided to serve the proposed development in order to limit the traffic impact of the development on the adjoining road network including the operation of the adjacent bus lane;
- (b) a Car Parking Management Plan for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development;
- (c) prior to occupation of development, a Mobility Management Plan shall be submitted to, and agreed in writing, with the planning authority;
- (d) the redundant car stacking system shall remain decommissioned and out of use;
- (e) in order to improve access and safety for cyclists entering and leaving the site, the entrance junction shall be revised, following consultation and agreement with the planning authority, to improve the in-bound cycle lane; and
- (f) all costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of orderly development.

✓ 9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;

- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) provision of parking for existing properties during the construction period;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

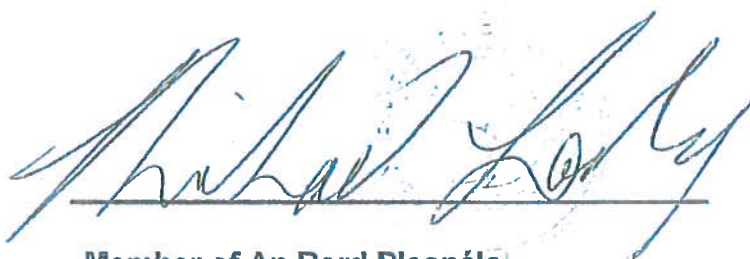
A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.



10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *8th* day of *January* 2015.



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

John Spain Associates
50, Upper Mount Street
Dublin 2

**THIS IS AN IMPORTANT LEGAL DOCUMENT AND SHOULD BE PLACED WITH YOUR TITLE
DEEDS**

Application No.	2894/15
Registration Date	29-May-2015
Decision Date	23-Jul-2015
Decision Order No	P2121
Date of Final Grant	28-Aug-2015
Grant Order No	P2629
Location	Elm Park, Merrion Road, Dublin 4
Proposal	RETENTION: Planning permission and retention permission for development at Elm Park, Merrion Road, Dublin 4. The application site is bound by Merrion Road to the east. The development will consist of: Permission for: - Partial removal and amendment to existing stacker structure to provide additional 50 no. car parking spaces and 80 no. bicycle spaces at commercial basement level to serve leisure centre and conference centre as permitted under Register Reference: 1539/02/PL29S.201622. - 200 no. bicycle spaces at podium level and 512 no. bicycle spaces at residential basement level. - Proposed new stair core between basement and podium level and associated single storey structure at podium to access proposed new parking area. - Revised pedestrian path from Bellevue Avenue to include new pedestrian crossing point on existing internal circulation road and connection to footpath approved under reg. ref. 2773/14. Retention Permission for: - Amendments to residential basement layout including mezzanine structure at basement level to accommodate 27 no. spaces including 15 no. visitor, 10 no. residential parking spaces and 2 no. crèche staff parking spaces and storage area. - Amendments to the entrance ramps for the existing residential blocks and Senior Citizen housing and amendments to the layout of the access road to the development at podium and basement level. - Set down area for emergency vehicles and 3 no. set down parking spaces located between Block OBB and OBC at podium level. - Drop off and set down parking area to the existing crèche facility which accommodates 8 no. spaces located to the east of Block OBA at podium level. - Set down / visitor parking area accommodating 4 no. spaces to the north of Block HH at podium level. - Relocation and

resizing of the ESB substations to north of main service access road and to the west of Block RB2 and to the north of Block RB1 at podium level. - Omission of previously permitted cafe pavilion located between office blocks OBB and OBC at podium level. - Addition of free standing canopy between office blocks OBA and OBB. - All other minor and ancillary amendments.

Applicant	Declan Taite (Statutory Receiver), Radora Developments Ltd. In Receivership
Application Type	Permission

NOTIFICATION OF GRANT OF PERMISSION

PERMISSION for the development described above has been granted under the Planning & Development Acts 2000 (as amended) subject to the following conditions.

Condition(s) and Reasons for Condition(s)

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out and retained in accordance with the plans, particulars and specifications lodged with the application, 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 €18,215.60 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.

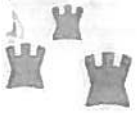
The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

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. (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.

4. The development shall comply with the following requirements of the Roads and Traffic Planning Division:

a) The applicant shall ensure that a maximum of 388no car parking spaces (1 per 125sqm) shall be assigned to the office use to limit the traffic impact of the development on the adjoining road network including the operation of the adjacent bus lane.

b) A car parking management plan for the overall site shall be submitted for the written agreement of Environment & Transportation Department prior to occupation of the development. This shall clearly indicate the extent of car parking provision across the site (including the number of spaces within the stacker), its distribution by use, the level of parking assigned to residential units and the number of residential units occupied. The plan shall also clearly indicate the physical measures that shall be put in place to enforce condition no.1 above.

c) Prior to occupation of the development, a Mobility Management Plan shall be submitted for the written agreement of the Mobility Management Section of the Environment & Transportation Department. Prior to occupation a mobility manager shall be appointed to oversee the implementation of the plan and to liaise at agreed intervals with the Mobility Management Section of the Environment & Transportation Department

d) Six months post occupation travel and parking surveys shall be undertaken for the site and the results submitted to the Environment & Transportation Department of Dublin City Council. The survey results shall inform the monitoring and review of the MMP and the car parking management plan for the site.

e) In order to improve access for cyclists to the site the carriageway south of the junction on the inbound side shall be widened for a distance of 15 to 20 metres to provide a transition from the existing road alignment to the new alignment north of the junction. The alignment and details should be agreed in writing with Environment & Transportation Department prior to

commencement of development.

f) Due to the narrow circulation and road widths the 7no surface level visitor spaces shall be omitted from the proposed development to ensure vehicular, pedestrian and cyclist safety.

g) The 8no parking spaces shall be permanently allocated the crèche facility and clearly marked as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

h) Cycle parking shall be secure, conveniently located, sheltered and well lit.

i) 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.

j) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To ensure a satisfactory standard of development

5. (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.

6. The development shall comply with the following requirements of the Drainage Division:

a) The developer shall comply with all the drainage conditions of the previous grant of permission, Reg. Ref :2773/14.

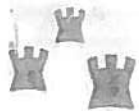
Reason: To ensure a satisfactory standard of development.

7. The terms and conditions of the permission for the original development, which was issued under Reg. Ref: 2773/14 shall be fully complied with, except where modified by this permission.

Reason: To clarify the scope of the permission hereby granted.

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.**



- Please find attached an information note from Irish water regarding the public water & waste water network.

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 of legislation affecting the proposal and that a person shall not be entitled solely by reason of a planning permission to carry out any development.

Signed on behalf of the Dublin City Council

for Assistant Chief Executive

Date

28-07-2015