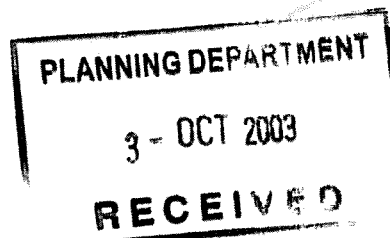


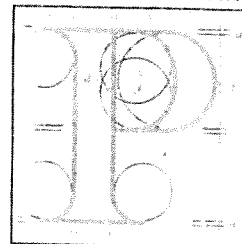
Our Ref: PL 29S.201622
P.A.Reg.Ref: 1539/02

The Principal Officer
Dublin City Council
Civic Offices,
Wood Quay,
Dublin 8.

02 OCT 2003



An Bord Pleanála



Appeal Re: Mixed use scheme.(416 units)
Former lands of the Sisters of Charity, adjacent to St.Mary's
Home, Merrion Road and Bellview Avenue, 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 2002. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its 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.

Yours faithfully,


Orla Garvin
Administrative Assistant

Encl:

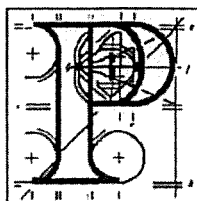
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An Bord Pleanála



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.

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- (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 Merriem 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 lodge 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, watermains, 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 *1st* day of *October* 2003.

