

Motions with Replies
Central Area Committee Meeting
11th July, 2017

Item 1

Motion in the name of Councillor Christy Burke

That this Committee sends congratulations to all involved in celebrating the mass and the residents who cleaned and made bunting and contributed to the great day at St. Laurence O'Toole's Church on Sunday 18th June 2017.

Report

Letters will be forwarded if the members agree the terms of the motion.

Item 2

Motion in the name of Councillor Christy Burke

That this Committee receive an up to date report on the completion of the pyrite works at Poplar Row, Ballybough, Dublin 3.

Report

The contract for pyrite remediation works is complete with the exception of rectification of damage to a fireplace that was caused during the works. The pyrite remediation contractor has been discharged and the fireplace and some other minor issues will be rectified by an alternative contractor.

Item 3

Motion in the name of Councillor Ciaran Cuffe

That this Committee agrees that it is expedient, and in the interests of amenity and the environment, to make a Tree Preservation Order for the London Plane tree that is slowly encroaching on the iron bench in Kings Inn Park adjacent to the entrance to the park at 1 Constitution Hill, Dublin 7, and shall also seek the designation of the bench as a Protected Structure under the Planning Acts.

Report

A 'protected structure' as defined in the Planning and Development Act, 2000 (as amended) is "Any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure", including

- The interior of the structure,
- The land lying within the curtilage of the structure,
- Any other structures lying within that curtilage and their interiors, and
- All fixtures and features which form part of the interior or exterior of these (above) structures.

See Section 2.2 subsection 2.2.2 of the Guidelines for Planning Authorities on Architectural Heritage Protection (2011)

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Architectural-Heritage-Protection-Guidelines-2011.pdf>

The park bench referred to is a fixture situated in the landscaped, parkland grounds within the curtilage of the King's Inns and its attendant structures, located at Henrietta

Street and Constitution Hill, Dublin 7, with the following References and descriptions on the Record of Protected Structures:

- 3658: Henrietta Street, described as *King's Inns and Registry of Deeds, including railings, boundary walls and gate piers,*
- 3660: Henrietta Street, described as *King's Inns Library,*
- 3659: Henrietta Street, described as *Kings Inns: two-storey stone cottages in grounds,*
- 2030: Constitution Hill, described as *Lodge to King's Inns,* and
- 2031: Constitution Hill: described as *King's Inns: Railings, boundary walls and gate piers,*

As a fixture within the curtilage of a number of the above protected structures, the park bench, which has been partly enveloped by the London Plane to which it abuts (and indeed now forms part of) is considered to be adequately covered and protected by the definition above. If it were to be added to the RPS and to be protected structure in its own right, the question arises; - is the bench being endangered by the tree?

Accordingly, it is not recommended that this fixture is made the subject of a distinct (separate) addition to the Record of Protected Structures.

Item 4

Motion in the name of Councillor Ciaran Cuffe

That this Committee agrees that the Chief Executive present a report on actions taken by planning enforcement and environmental health on foot of the concerns raised at the Central Area Committee by the North Port Dwellers on Mayor Street and New Wapping Street, Dublin 1.

Report

There have been a number of historical complaints received from North Port Dwellers Association regarding building sites adjacent to their properties.

The complaints mainly related to breaches of permitted working hours, noise levels, airborne dust and granting of extended working hours.

All complaints have been actioned upon by the Planning Enforcement Section and Environmental Health Officers where appropriate. There are currently no outstanding cases that the Dublin City Council is aware of.

As stated during the course of the presentation given to the Central Area Committee Meeting in June relating to Planning Enforcement in the Docklands Area, there is now a detailed construction protocol in place in respect of development sites in and adjacent to the Docklands area, a copy of which has been circulated to all area Councillors. This protocol has had a very positive affect in respect of minimising, insofar as is practical the number of complaints being received in the area. We now have a dedicated Enforcement Officer who is based in the Docklands Area and deals with any complaints that are received. He also carries out pre emptive inspections on sites in the area and engages with residents and developers in order to solve any issues in as short a time as possible. If North Port Dwellers Association have any further complaints they should send them to planningenforcement@dublincity.ie and cc neil.cameron@dublincity.ie and they will be actioned upon as required.

Item 5

Motion in the name of Councillor Ciaran Cuffe

That this Committee voices its concern that our officials appear reluctant to take action to address noise complaints concerning neighbours, and calls on the Manager to initiate a pilot scheme for Summer Street, Dublin 1 and take action on foot of residents' complaints about noise pollution emanating from adjoining residential premises.

Report

Local authorities in Ireland deal with noise complaints under the provisions of the Environmental Protection Agency Act 1992.

In 2016 the Environmental Protection Agency published the *National Protocol for dealing with Noise Complaints for Local Authorities*.

This document addresses, *inter alia*, the specific challenges that exist in respect of current legislation dealing with neighbourhood noise:

"In general local authorities in Ireland do not pursue noise complaints where the source of the noise is domestic in nature e.g. noisy neighbours, house parties, domestic appliance noise etc. It is not envisaged that this situation should change unless the current legislation is amended. Local authorities should continue to advise members of the public as to how they can source information to address such matters on their own behalf. As a general rule Local Authorities should always engage with complaints where the source of the noise is commercial in nature."

In this specific case Dublin City Council has provided the residents affected with the relevant information regarding the legal remedies and mediation services that are available to them.

Item 6

Motion in the name of Councillor Nial Ring

Having regard to the motion passed at this Area Committee in September 2016 (reproduced below for convenience) and in light of the opportunities and possibilities presented under the proposed Croke Villas development, this Committee calls on officials in Dublin City Council and Iarnród Éireann to use the redevelopment opportunity of Croke Park Villas to examine the possibility of the provision of a rail station in the immediate area which would not only serve the 16,000 residents living within 1 kilometre but would be of immense benefit to Croke Park users. The Committee also notes, as it did in September 2016, that these matters are specified by Policy MT6 of the Dublin City Development Plan 2016-2022 which states that it is the policy of DCC "to work with Iarnród Éireann, the NTA, PRA and other operators to progress a co-ordinated approach to improving the rail network....to ensure maximum public benefit and promoting sustainable transport and improved connectivity".

(FOR INFORMATION: Motion passed at September 2016 CAC: That this Committee calls on Iarnród Éireann to use the opportunity presented by the opening of the Phoenix Park tunnel to expand the proposed service to include new rail stations at Phoenix Park (Infirmary Road), Cabra, Cross Guns Bridge and Croke Park rather than bypass these heavily populated areas previously identified as being in need of commuter rail stations. The committee also notes that the current proposed route, whilst passing through the Northside, excludes any rail service to the residents therein with the exception of Drumcondra, thus losing an opportunity to provide the area with a viable alternative public transport service, contrary to Policy MT6 of the Draft Dublin City Development Plan 2016-2022 which states that it is the policy of

DCC "to work with Iarnród Éireann, the NTA, PRA and other operators to progress a co-ordinated approach to improving the rail network....to ensure maximum public benefit and promoting sustainable transport and improved connectivity". Finally, if the motion is agreed, we further agree to forward the motion to Iarnród Éireann by way of input into the public consultation process).

Report

This issue was raised by a member of the public during the consultation period both during the workshop and subsequently via email to the Project Architect. The following query was sent to the NTA along with the response from the NTA (in italics):
Query to NTA:

"As part of our public consultation we received a request from a member of the public who requested we ascertain whether or not you have plans to locate a train station in the vicinity?"

We are not aware of any such plans and are developing our own plans accordingly. However, should you intend to locate a train station here, we would be obliged if you could engage with us at your earliest possible convenience".

Response:

"The NTA has reviewed the draft document included in your email entitle "Croke Villas Masterplan & Residential Development: draft stage 1 report" (dated the 23rd December 2016). The NTA can confirm that it has no plans at this time to locate a station in the vicinity of Croke Villas that would be impacted by the proposed development. Please contact me if you need any further information".

The scope to further pursue the proposal has now diminished to such an extent as to be futile, mainly, but not exclusively, because of the following:

- The NTA have indicated that they have no plans for a station at this location.
- The lead-in period for the initiation, design, funding, Railway Orders Etc is approximately 10 years.
- The site, especially with regards to the levels and the culvert, is not considered suitable.
- The design for Croke Villas is at an advanced stage and would be substantially delayed if reservations for a station were to be incorporated.
- The surrounding area is adequately serviced by public transport and is within walking distance/bus journey to a number of major transport hubs.
- Match day train traffic is serviced by the stations in the direct vicinity (Drumcondra, Docklands, Connolly, etc).

Item 7

Motion in the name of Councillor Nial Ring

That this Committee requests the Planning Manager to compile and distribute a list of all "massage" parlours in the area and to indicate if they are fully compliant with all planning regulations. In addition, this Committee notes, with concern, the proliferation of such establishments in the area and requests the Chief Executive to liaise with the Gardai to ensure that any and all reported illegal activities being carried on in these establishments is investigated fully. Finally, this Committee instructs the Chief Executive to request the authorities to carry out investigations into these establishments to ensure that any reported exploitation of workers therein or possible human sex trafficking is investigated fully.

Report

Any change of use from retail to non-retail use would require planning permission.

Such applications would be treated on their merits with particular regard to the impact of the proposed use on the context and character of the area. In the City Centre retail core, the proposal would be assessed with regard to the relevant policies at Section 7.6.1 of the Dublin City Development Plan which seek to affirm and maintain the status of the city centre retail core as the premier shopping area of the State (Policy RD13) and to promote active uses at street level on the principal shopping streets in the city centre retail core and in Z4 district centres (Policy RD17). In all areas, the impact of the proposed use on the amenities of adjoining commercial and residential properties would be a key consideration. Any unauthorised change of use would be subject to enforcement proceedings.