



(a) Planning and Development Act 2000 and Planning and Development Regulations 2001 (Part 8)
(b) Local Government Act 2001

In compliance with the provisions of Section 179 of the Planning and Development Act 2000 and Part 8 of the Planning and Development Regulations 2001 and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:

Attached to this report is a site location map/drawing illustrating the proposed development.

(A) The Site

The application site is situated along Orwell Road in close proximity of the junction with Rathgar Road. The site is situated to the rear of dwellings known as Orwell Mews. The site comprises of Herzog Park with parking located to the front of the site.

(B) The Proposal

- Improvements to main entrance and creation of new pedestrian gateways at Orwell Mews, Rathgar Park and to Stratford School;
- Removal of the boundary fence throughout and lowering of the hedge height fronting the car park at Orwell Mews;
- Reduction in size of bowling green and transformation into a multi use games area with low energy flood lighting with minimal light overspill;
- The creation of new lawn/planting with new school garden (educational purposes) and flower garden;
- Creation of new pedestrian pathways within the park;
- Installation of seating benches and lighting;
- Creation of a play area in woodland area;
- Installation of a planted walkway along the western side of multi-use games area;
- Realignment of parking at Orwell Mews car park to provide 24 parking spaces.
- It is proposed to extend the footprint of the Bring Centre to the boundary with Stratford School, proposed to maintain as many trees as possible and a tree planting programme will be undertaken to compensate for any loss of trees.

- Two no. drop-off car spaces for Bring Centre users will be created at the entrance.

(C) Area Committee

The South East Area Committee was informed of the initiation of the part 8 process on the 11th of July 2016.

(D) Submissions

The following is a list of the persons who made submissions/observations

- 1) Joe Kehoe
- 2) Pat & Judy Deeley & Denis Cleary & Michael O'Brien
- 3) Fiona Gaffney
- 4) Mona McCarrick & Niall McDonagh
- 5) Mona McCarrick & Niall McDonagh (2nd submission)
- 6) James Malone, Rathgar Travel
- 7) Declan O'Neill & Susan Coleman
- 8) Graham & Anna Lennox, Santolina
- 9) John McCarthy, Chairman Rathgar Residents Association
- 10) Carmel Durkan
- 11) Kieran & Móirín Dowling
- 12) Robinson, President Rathgar Tennis Club, Herzog Park
- 13) James Nerney
- 14) Margaret Nerney
- 15) Orla Nugent
- 16) Tom Lyons & Family

The issues raised in the submissions/observations can be summarised as follows;

- Lowering the perimeter planting would only prevent vehicular access.
- Proposed gate does not comply with requirements of Dublin Fire Brigade or National Ambulance service
- It is not made clear who will be responsible for the operation and running of the sports area.
- Security
- Loss of car parking
- Access gate from Straford College no liability accepted for use
- Opposed to two new entrances from Rathgar Park
- Opposed to opening of entrance behind No. 24 Terenure Road.
- Pallsade fence inappropriate
- Scale and height
- Unsightly
- Currently ample number of mature trees growing inside the perimeter of the park
- Concern installing further floodlighting
- Support the construction of a footpath along the lane from the AIB
- Concern with regard location of the bring centre to the back of dwelling previously not located
- Location of the bring facility may not be located within 50m of the curtilage of a house
- Trees should be maintained on the existing level
- Access points not allowed onto private road
- Works to bowling green need care and attention as sewage pipes run below

- Opening and closing of the park – responsibility
- School garden- which schools
- Playground – age groups
- Pergola – encourage anti-social behaviour
- Rodent control from the bring centre
- Beehives
- Request for the new footpath run along the outside garden wall of 11 Terenure Road East
- Plan will benefit the village
- No need to provide more tennis courts
- Unless there is a plan for continuing maintenance in place then it would be preferable to keep to a simple redesign

All submissions/observations have been considered and issues raised have been taken into account in the evaluation of the proposed works.

(E) Evaluation

Interdepartmental Reports

Drainage Division: No objection, subject to conditions.

Archaeology: No objection, subject to conditions.

The proposed development is located on a site that forms Herzog Park. The park is bounded by dwellings located on Rathgar Road, Orwell Road and Zion Road. The site comprises an existing park with facilities that are used by the public and members of the tennis club located adjacent to the Park.

There is no relevant planning history on the site.

Development Plan

The site would be considered under zoning objective Z9 and under section 14.8.9 of the Development Plan 2016-2022 “the provision of public open space is essential to the development of a strategic green network”. Furthermore it is stated that the “continuation of sports clubs and facilities to enhance sustainable city living is recognised.

Under section 10.5.3 of the Development Plan 2016-2022 policy GI9 seeks “to incorporate open space into the green infrastructure network for the city, providing a multi-functional role including urban drainage, flood management, biodiversity, outdoor recreation and carbon absorption”. Furthermore, section 10.5.8 refers to the development of sports and recreations within the city. Policy GI31 seeks “to improve on existing sports/recreational facilities in the city through the implementation of the Dublin City Sport and Active Recreation Strategy 2009-2016 and to ensure the availability of a range of recreational facilities to the general population of all ages and groups.”

Having regard to the policy above it is considered that current application has addressed the overall policies and objectives set out to meet the needs of the community in the area by providing a green space to be enjoyed and accessible for all.

Design

The overall redesign of the park would be considered acceptable. The new boundary treatment and access points would contribute to the creation of a park that is user friendly and accessible for all. The reduction in height of the boundary would improve

observation of the park and in turn reduce the potential for antisocial behaviour. The reduction would create a more open and inviting atmosphere for the park that currently does not exist.

Access

The provision of 3 number new pedestrian entrances to the park from Rathgar Park and to a laneway at the back of dwellings facing onto Terenure Road East would provide an alternative point of entry for members of the community who seek to enjoy the facilities of the park from the northern side of the village. The entrances are for pedestrian use only and would not be considered to create a significant change in the pattern of movement that would result in a negative impact on the residential amenity in the area.

The proposed new entrance gate in terms of its new design from Orwell Road is considered to be acceptable. The use of the Israeli national flower pattern on the gate based on the association of the park with Chaim Herzog is considered to be an appropriate design approach. The entrance would provide a positive focal point for entry to the Park and create a more appealing environment.

Facilities

The proposed new redesign of the park would provide for the reduction in size of bowling green and transformation into a multi use games area with low energy flood lighting. The park would provide new pedestrian pathways, seating benches and lighting and create a new play area in woodland area. The proposed new facilities would appear to meet the needs of the all members of the community and meet the requirements of the development plan which seeks to provide appropriate levels of sports and recreation facilities for a variety of uses for all ages.

Car parking

The current car parking provision for the park is 30 spaces and as a result of the redesign of the park the spaces would be reduced to 25. The bring centre would have 2 dedicated parking spaces for its use. The overall loss of 5 no. car parking spaces as a result of the proposed redesign would be considered acceptable considering the location of the Park within Rathgar village. The options for access to the park other than by car are considered ample in the area and as such the need to provide additional car parking spaces is not warranted.

Archaeology

A report received on file from the City Archaeologist division states the following
"It is noted that the proposed development is partially within the Zone of Archaeological Constraint for the Recorded Monument DU022-091 (Watermill Site), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.

Therefore archaeological monitoring is recommended during the course of carrying out any approved works on site

Having regard to the above relevant conditions have been attached as part of the recommendation.

Recycling centre

The proposed realignment of the recycling centre closer to the woodland would be considered acceptable as the intention is to retain as many of the existing trees as possible and plant new trees where appropriate. The dwellings along Orwell Road that back onto the park are within approximately 42-45m of the recycling centre with mature planting along their boundaries. The provision of a further level of screening

in the form of planting and trees between the park at the recycling centre and Orwell View would protect the residential amenity of those living along this boundary.

Management and liability

As part of the submissions/observations received on file concerns were raised with regard to the long term management and liability for the operation and use of the park. Having considered the comments and submission received as part of the application it is considered that these issues would require further discussions between the relevant parties both during and after the proposed works.

Recommendation

The proposed development has been assessed and it is considered consistent with the provisions of the Dublin City Development Plan 2016-2022 and would be in accordance with the proper planning and sustainable development of the area. Accordingly it is recommended that a decision be made by the elected members of the Council to proceed with the proposed development without modification, subject to the requirements of the respective divisions of the City Council provided below.

1 . The hours of operation of the floodlighting shall be limited to up to 9.30 p.m.

Reason: In the interests of residential amenity.

2. The proposed development shall be amended to provide the following:

The boundary of the park between the recycling centre and Orwell View shall be screened with appropriate planting and trees.

Reason: In the interests of residential amenity.

3. The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0

The development shall incorporate Sustainable Drainage Systems in the management of stormwater.

Reason: To ensure a satisfactory standard of development.

4. The developer shall comply fully with the requirements of the City Archeologist:

a. The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary.

b. The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.

c. The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.

d. The archaeologist shall consult with and forward their Method Statement in advance of commencement to the City Archaeologist.

e. In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, Department of Arts Heritage and Gaeltacht) shall determine the further archaeological resolution of the site.

f. A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the City Archaeologist and National Monuments Service, Department Arts Heritage and Gaeltacht.

g. Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

Reason In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

5. 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.

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.

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."

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.

6. 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 safeguard the amenities of adjoining residential occupiers.

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.

This report is submitted to the City Council pursuant to Section 138 of the Local Government Act, 2001 and Section 179 of the Planning and Development Act, 2000, subject to the provisions of Section 139 of the Local Government Act, 2001.

Owen Keegan
Chief Executive

20th December 2016

RATHGAR PARK



<p>Surface material</p> <ul style="list-style-type: none"> M1 Existing asphalt M2a Light asphalt M2b Clay bonded gravel M3 Environmentally sustainable treatment light yellow M4 Woodchips - adventure area M5 Concrete paving 242 	<p>Colors</p> <ul style="list-style-type: none"> grey light yellow light orange-yellow light orange light yellow brown-grey brown 	<p>Fountains</p> <ul style="list-style-type: none"> F1 Ornamental gate F2 White sport fence F3 Bench F4 Sliding gate F5 Wooden fence F6 Steel fence 	<p>Green</p> <ul style="list-style-type: none"> G1a Existing tree G1b New tree G2 Lawn G3 Flower bed G4 Learning & participation garden G5a Ecological fern garden G5b Ecological fern garden 	<p>People</p> <ul style="list-style-type: none"> P1 People P1a Car P1b Parking (25) P1c Loading bay for the bring centre (2) P2 Play area P3 Combined sewer P4 New bring centre perimeter P5 Former bring centre perimeter 	<p>Green</p> <ul style="list-style-type: none"> G5b Woodland undergrowth G6 Hedge G7 Pergola L1a Park lighting L1b Street lighting L1c Flood lighting 	<p>Capinus spp</p> <ul style="list-style-type: none"> Wierusa spp
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RED SCAPES Landscape & Urbanism
77 Sir John Rogerson's Quay, Dublin 2

project: HERZOG+PARK
scale: 1/250
format: A1
date: 19-09-2016

client: DUBLIN-CITY-COUNCIL
subject: PART1-8-LAYOUT-PLAN-2
changed: 14-09-2016

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