MEETING OF DÚN LAOGHAIRE AREA COMMITTEE

9 JUNE 2010

Request for Enforcement Action at former Mackey’s site, Castlepark Road, Dalkey, Co. Dublin

Motion: Councillor H. Lewis

“That this Council will issue an enforcement notice pursuant to Section 155 of the Planning & Development Act 2000 in relation to the non-compliance of the developers at the former Mackey’s site on Castlepark Road and that the Council will take a special interest in monitoring this development and ensure that there is no deviation from the planning permission for this development, and will investigate fully the concerns raised by local residents in relation to planning, health and safety and environmental aspects of this development.”

Report: The following is the current situation in relation to this development:

A Warning Letter under section 152(1) of the Planning and Development Act 2000 (as amended) issued on 8th April 2010, following receipt of a complaint, for alleged unauthorised development consisting of "non-compliance with condition no 1 of Planning Permission Register reference D06A/1808, granted by An Bord Pleanála Reference PL06D.224130 on the 12th February 2008, in that amendments are being carried out to “Apartment Block B” contrary to the approved plans and without the grant of a valid planning permission approving these amendments”.

A site inspection carried out on 16th April 2010 found that narrow window openings had been incorporated into the end elevations. The variation was considered minor in nature at that point of the construction phase. It was considered premature to initiate further enforcement action until such time as a final decision was made on planning application register reference D09A/0919, which included this amendment.

Planning application register reference D09A/0919 for "Permission for development which will consist of modifications to previously approved plans (Reg.Ref:D06A/1808 and PL06D.224130), being the reduction in the number of apartments from 51 no. as approved to 48 no. by the omission of 2 no. 1 bed apartments at first floor level in Blocks A and B (the adjacent 2 bed apartment increase in size), and the omission of 1 no. 2 bed apartment at third floor level Block B (the adjacent 3 bed apartments increase in size). Also proposed is the redistributions of floor area in Blocks A and B such that 6 no. small 2 bed apartments become 6 no. large 1 bed apartments (52sq.m each) and the surplus floor area will be allocated to adjacent 2 bed apartments, to provide a proposed revised apartment mix in total of 8 no. 3 bed apartments, 28 no. 2 bed apartments and 12 no 1 bed apartments. Also proposed are modifications to elevations of both Blocks A and B by the repositioning of windows to reflect new internal layout changes and the extending of balconies to increase private open space allocation within the development with revisions to landscape design including the children’s play area, basement car park ventilation and a new location for the ESB substation" was granted by the planning authority on 7th May 2010.

An appeal against the decision was lodged with An Bord Pleanála on 27th May 2010.
The Council has been very active in observing this development since its commencement. Numerous site visits have taken place and the planning authority is satisfied that the site is being very closely monitored.

(Contact Person: T. Mahon, Administrative Officer, Planning Enforcement Section)