



---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D16A/0904**

**Appeal** by Martin Burke of Humlegarden, Bray Road, Foxrock, Dublin and by others against the decision made on the 26<sup>th</sup> day of May, 2017 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Thycar Investments ULC of 128 Ranelagh Village, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of partly constructed dwelling, improvement of pedestrian public right-of-way, improvement of road and footpath of Knocksinna Court, the construction of a residential development having a gross floor area of 7,302 square metres (including underground car park floor area of 2,050 square metres gross). The building will be two, three and four-storey plus penthouse level, over basement and will provide for a total of 48 number apartments (five number one bedroom, 37 number two bedroom and six number three bedroom) on ground and upper floors. The basement will accommodate 63 car spaces, 48 bicycle spaces, three motor bike spaces, bin store and general purpose room. Six number car spaces and 10 number bicycle spaces will be provided above ground. Vehicular access to the development will be from Knocksinna Court. The development will also consist of the permanent closure of the existing vehicular entrance to “Aberdour” on the Stillorgan Road (access and egress to be for a fire tender only); all associated

site formation and development works, landscaping, piped infrastructure (including one number below ground attenuation tank and one number below ground interception storage tank) and plant; all 0.64 hectares site comprising former “Aberdour”, Stillorgan Road, pedestrian public right-of-way from Granville Road to Stillorgan Road and carriageway and footpath of Knocksinna Court, off Granville Road, Foxrock, Dublin as amended by the revised public notices received by the planning authority on the 6<sup>th</sup> day of April, 2017 and on the 4<sup>th</sup> day of May, 2017.

## **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 site’s location in an established suburban area adjoining a public transport corridor on lands zoned ‘A in the Dun Laoghaire Rathdown County Development Plan 2016-2022 for which the objective is “To protect and improve residential amenity”, to the nature, scale and design of the proposed development, to the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Development Plan, the Urban Design Manual – A Best Practice Guide, issued by the

Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December, 2015 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted to the planning authority with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site within 15 kilometres distance from the development in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 6<sup>th</sup> day of April 2017 and on the 4<sup>th</sup> day of May 2017, 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan to scale of not less than 1:500 showing –
    - (i) the species, variety, number, size and locations of all proposed trees and shrubs;
    - (ii) details of screen planting,
    - (iii) details of roadside/street planting,
    - (iv) hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels;
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;

- (c) A detailed layout and specification for the play area, to include seating for parents/guardians;
- (d) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

- 3. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
  - (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development, and
  - (b) trees which are agreed in writing with the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interest of visual amenity.

4. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the parks and landscape services section, and in accordance with the permitted landscape proposals.

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

5. The open spaces shall be developed for, and devoted to public use.

**Reason:** In order to ensure the development of the public open space areas, and their continued use for this purpose.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. 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.

9. Proposals for a name, numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

10.
  - (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The footpaths shall be dished at the basement car park access ramp in accordance with the requirements of the planning authority.
  - (c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
  - (d) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit it to the planning authority for agreement, and shall carry out and cover all costs of all agreed recommendations contained in the audit.
  - (e) The proposed ramps at Knocksinna Court shall be omitted.

**Reason:** In the interest of traffic, cyclist and pedestrian safety.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. 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 residential amenities of property in the vicinity.



13. 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

15. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company will have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the dwellings are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the current Development Plan of the area.

17. 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 and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

18. 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      day of                      2017**