



An
Bord
Pleanála

Inspector's Report

PL06D.248703

Development	Residential development of 48 apartments and all associated site works.
Location	Stillorgan Road, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0904
Applicant(s)	Thycar Investments WLC
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Martin Burke Bernard and Peggy Kingston Rene McNally Associates Ltd. Dara Kilmartin Peter and Jean O'Neill Violet Twomey Conor Mulcahy and Fiona O'Riain

Enable Ireland Sandymount School

Dublin South Arch Club

Hollypark & Foxrock Avenue

Residents Association

Jackie Monks

Eoin Healy & Margretta Nolan

Michael & Jane Donnelly

Helen O'Riain

Graham & Sheelagh Stubbs

Sean McBennett

Mary Wright

Alan & Leonie Brady

Joseph & Jennifer Ruane

KSCB Management Limited

Observer(s)

Fionuala Sherwin

Donagh & Jennifer O'Doherty

Richard Boyd Barrett T.D.

Anna McNally

Niamh Hurley

Date of Site Inspection

18th July 2017

Inspector

Sarah Moran

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1.0 Site Location and Description

1.1. The site (stated area 0.64ha) is located on the northern side of the N11 Stillorgan Road, south east of the N11 / Newtownpark Avenue junction in Foxrock, Co. Dublin. The main part of the site is occupied by an existing partially constructed detached house, formerly known as 'Aberdour', along with its associated grounds. The site boundary also includes a right of way over a public road serving Knocksinna Court, a cul-de-sac of 5 no. detached houses off Granville Road (a letter confirming ownership of same is submitted). The public right of way continues via an existing pedestrian laneway to the N11, along the eastern site boundary, which is currently unsurfaced and overgrown. Levels fall slightly away from the N11 road frontage within the site. The ground within the site is disturbed and mounds of spoil are present. There is a 2.2 m high stone wall along the N11 site frontage, with a vehicular access to the N11 at the western end of the site. There are hedgerows with mature trees along the other site boundaries. The context of the site is generally defined by low density 2 storey residential development, with residential properties to the immediate east and west on the N11 and to the north on Granville Road.

2.0 Proposed Development

2.1. Permission is sought to demolish the existing building and to construct 48 no. apartments in a single 'U' shaped block, laid out around a central landscaped courtyard. The block has a height of 5 stories over basement facing the N11, stepping down to 4 storey to the rear of houses facing Granville Road and 2 storey over basement adjacent to Knockshinna Court. The stone wall along the N11 frontage is to be retained. Vehicular access is to be from Knocksinna Court with associated works to the public road and footpath, with emergency access only through the existing N11 access. The pedestrian laneway from the N11 to Granville Road is to be retained and improved. The development includes car and cycle parking at basement and ground level. The open areas are to be landscaped with grass planting at roof level of the apartment blocks. The proposed apartment types comprise 5 no. one bed units, 37 no. 2 bed units and 6 no. 3 bed units.

- 2.2. The applicant submitted additional particulars to the planning authority in response to a further information request, however these did not amend the total number of residential units or significantly alter the overall design or layout of the scheme.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority requested further information on 8th February 2017 in relation to the matters raised in the technical reports on file. It requested clarification of further information on 2nd May 2017. It granted permission on 26th May 2017, subject to 23 no. conditions. None of the conditions imposed required any substantial changes to the development.

3.2. Planning Authority Reports

- 3.2.1. The initial planning report, 8th December 2016, considers the development to be acceptable in principle and recommends a request for further information in relation to apartment floor to ceiling heights, also drainage matters, transport and access, and public lighting, as per the relevant technical reports. Second planning report, 28th April 2017, recommends clarification of further information for revised public notices. Third planning report 26th May 2017 recommends permission subject to conditions.
- 3.2.2. Other Technical Reports:
- Housing Department 20th December 2016. Proposed Part V provision is acceptable subject to requirements.
 - Drainage Planning Municipal Services Department 30th January 2017. Further information required relating to attenuation tank and attenuation storage at Knocksinna Court road. Second report 28th April 2017. No objection subject to conditions.
 - Dun Laoghaire Rathdown Parks and Landscape Services 6th February 2017. Development proposals are generally in accordance with development management standards except for some minor concerns. Arboricultural assessment is inadequate. Fails to state the full degree and type of arboricultural

impacts. No planting plan or schedule submitted. Insufficient diversity of proposed tree planting. Recommends conditions.

- Transportation Planning Section 7th February 2017. Considers that the impact of the existing development on Granville Road can be accommodated. Not in favour of additional vehicular accesses onto the N11 or significant intensification of traffic with direct vehicular access onto N11. The level of services of the N11 Primary Cycle Network and Priority 1 Bus Corridor needs to be protected, maintained and improved. Applicant has not complied with development plan car parking standards. Cycle parking required. Further information request recommended. Second report of Transportation Planning Section 27th April 2017. Proposed parking provision is inadequate. Requests clarification of further information for additional car parking provision.
- Public lighting section 27th January 2017. Requires further information. Second report 12th April 2017. The proposed lighting design is adequate.

3.3. Prescribed Bodies

- 3.3.1. Irish Water 13th January 2017. No objection.

3.4. Third Party Submissions

- 3.4.1. The planning authority received a total of 107 no. third party submissions in response to the application, mainly from local residents. These generally objected to the development on grounds similar to those raised in the third party appeals. The planning authority received 13 no. submissions on foot of the further information response and 23 no. submissions on foot of revised site notices issued as clarification of further information. All raised similar issues.

4.0 Planning History

4.1. D04A/0778 and D04A/1072

- 4.1.1. Relating to the grounds of Aberdour, excluding the right of way on the eastern side of the site. Under D04A/08778, permission was granted to demolish Aberdour and to construct a 2 storey dwelling. Permission was granted for an additional 2 no. 2 storey

detached houses in the grounds of Aberdour under D04A/1072, all using the existing N11 access.

4.2. **D08A/0028**

- 4.2.1. Permission granted to replace one of the houses at the rear of the site, as permitted under D04A/1072, with 2 no. 2 storey detached houses, resulting in a total of 4 no. permitted houses on the overall site. Construction commenced on one of the permitted houses but was never completed.

4.3. **D15A/0431 PL 06D.245911 Trianon Development**

- 4.3.1. Relating to a 0.5 ha site nearby to the north of Knocksinna Court. Permission was sought to demolish an existing house and outbuildings and to construct 12 no. detached and terraced houses with a new access from Knocksinna Crescent off Granville Road. The planning authority granted permission subject to the omission of houses nos. 1-6. The Board granted permission for the development as originally proposed and amended by further information submitted to the planning authority, i.e. a total of 12 no. houses. The development is currently under construction.

5.0 **Policy Context**

5.1. **Dun Laoghaire Rathdown County Development Plan 2016-2022**

- 5.1.1. The site has the zoning objective 'A' for the protection and improvement of residential amenities. There is a specific objective 'To protect and preserve Trees and Woodlands' relating to the site. The following development plan policies and objectives are considered particularly relevant to the scheme:

- Section 2 policies on residential development, including the housing strategy and policies RES3, RES4 and RES7, public transport policy in section 2.2.8 and roads policy in section 2.2.10.
- Biodiversity policies in section 4.1.3, including Policy LHB19: Protection of Natural Heritage and the Environment and policies on open space and recreation in section 4.2.
- Urban design principles in section 8.1. Section 8.2 policies on residential development, car parking, open space.

- Building Height Strategy set out in Appendix 9.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located within 15 km of the development site:

Site (site code)
Baldoye Bay SAC (000199)
Howth Head SAC (000202)
North Dublin Bay SAC (000206)
South Dublin Bay SAC (000210)
Ballyman Glen SAC (000713)
Bray Head SAC (000714)
Glen of the Downs SAC (000719)
Knocksink Wood SAC (000725)
Glenasmole Valley SAC (001029)
Wicklow Mountains SAC (002122)
Rockabilly to Dalkey Island SAC (003000)
North Bull Island SPA (004006)
Baldoyle Bay SPA (004016)
South Dublin Bay and River Tolka Estuary SPA (004024)
Wicklow Mountains SPA (004040)
Howth Head Coast SPA (004113)
Ireland's Eye SPA (004117)
Dalkey Islands SPA (004172)

6.0 The Appeal

6.1. Grounds of Third Party Appeals

6.1.1. A total of 20 no, third party appeals have been submitted. They all raise similar issues, which may be summarised as follows:

- The planning authority did not address the high level of local concern about the application. There were a total of 107 no. third party submissions to the planning authority in response to the application, an additional 13 no. submissions on foot of the further information response and a further 23 no. submissions on foot of revised site notices issued as clarification of further information.
- Several submissions request an Oral Hearing, see memo on file regarding same.
- Lack of pre-planning consultation with local residents.
- Traffic and access. Development should be accessed from the N11 and not from Knocksinna Court, which does not have capacity for traffic from the scheme. Traffic congestion in the wider area including Newtownpark Avenue and Granville Road.
- Development would remove existing on street parking at Knocksinna Court, which has been used by the residents since 1981. It would generate additional parking demand in the area.
- There is a severely disabled child resident at No. 3 Knocksinna Court. Development would prevent access for Enable Ireland school transport, also emergency access. Also impacts on privacy and residential amenity and use of Knocksinna Court by other disabled children.
- Adverse impact on residential amenities due to additional traffic, noise, overlooking, overshadowing, visual obtrusion, loss of existing trees on the site.
- Nature and scale of development are out of keeping with the area. Excessive density and overdevelopment of the site.
- Development would set an undesirable precedent for other similar sites in the area including Roselawn immediately adjoining the development site.
- Site access impinges on the existing public right of way from Granville Road to the N11.
- Adverse impact on property values.
- Lack of school places in the area to serve the development.
- Development would exacerbate existing periodic surface water flooding in the area, due to inadequate drainage infrastructure.

- Development would put further strain on existing inadequate water supply in the area with poor water pressure.
- Developer has insufficient legal interest to carry out the development due to access through Knocksinna Court.
- Impacts on existing wildlife habitats within the site.
- Adverse impacts on residential amenities during construction including traffic issues and noise from rock breaking.
- Need for social housing has been ignored by allowing Part V compliance elsewhere.

6.2. Applicant Response

6.2.1. The main points made may be summarised as follows.

6.2.2. Principle of Development and Density

- Development will provide much needed residential development in Dun Laoghaire Rathdown. The site is zoned and serviced. It is located on a public transport corridor, which is a suitable location for increased density as per DoEHLG guidance and development plan policy RES3. Sites > 0.5 ha are considered of sufficient size to set their own context for development.
- Third parties have suggested the omission of the block fronting Knocksinna Court, reducing the total no. of apartments by 6 and resulting in a density of 78 units / ha based on a site area of 0.54 ha. However, residents would accept a development of 78 units / ha accessed from Stillorgan Road.

6.2.3. Traffic and Vehicular Access

- The planning authority advised the applicant at pre-application stage that access via the N11 would be unacceptable. The applicant therefore purchased Knocksinna Court road and footpath from the original owner (who had obtained permission for the 5 houses within Knocksinna Court) and the public right of way between Knocksinna Court and the N11. Knocksinna Court occupants have the right of way over the road / footpath as part of the title to their property. The only obligation of the applicant is to ensure that Knocksinna Court residents can

exercise this right at all times. There is no basis for any statement that Knocksinna Court residents had a 'legitimate expectation' that the cul-de-sac would serve their 5 units only in perpetuity, as the road was retained by the developer.

- The response includes a solicitor's letter, which confirms the applicant's ownership of the road and footpath at Knocksinna Court and its right to develop, use and regulate the facility as it sees fit. The applicant has the right to control parking and to route underground services at Knocksinna Court, also to alter the nature of the boundary treatment between the road and the public right of way. Details of the original permission for Knocksinna Court, ref. M.3120, are provided.
- The TA lodged with the application notes the small scale of the development in the context of the carrying capacity of the local road network. Traffic was projected for an opening year of 2018 and a design year of 2033. The analysis of impact on local junctions finds that there will be 'negligible impact' and the development can be 'easily accommodated'.
- A Road Safety Audit of the development and the immediately surrounding road network has been submitted. No pedestrian safety issues arise.
- These reports indicate that Knocksinna Court has the capacity to cater for traffic generated by the development. The impact of traffic on the residents of Knocksinna Court will be low and will not be material. The road will remain a cul-de-sac. The road and footpath will be maintained by a management company of the development. The residents of Knocksinna Court will not be members of the management company, thus the facility will be maintained for them. They will be consulted in relation to any proposals to regulate the use of the road or footpath.
- The development will not have any material adverse impact on the utility of the cul-de-sac for universal access vehicles serving the disabled resident of no. 3 Knocksinna Court.
- The development will not alter the nature of the public right of way to the N11 but will improve the facility for pedestrians and disabled users. The low levels of traffic generated by the development will not create delays in pedestrian access to the pathway. There will be mutual visibility between pedestrians and drivers. The path will have passive surveillance from the apartments.

- Significant planning gains. The discontinuance of the N11 access will benefit the bus route, pedestrian and cycle facilities and the performance of the N11 as a major road artery. The development will provide an improved pedestrian access to the N11. It will create an additional turning facility for vehicles, including emergency and service vehicles.
- Construction traffic volumes will not be significant. Carrying capacity at Knocksinna Court is not an issue. The geometry of the roadway is adequate to accommodate construction vehicles. The roadway at Knocksinna Court will only be directly affected during the installation of services and the water attenuation tank and when the road and footpath surfaces are reinstated, these periods are significantly less than the overall construction period. The residents' right of way will be maintained at all times, including the requirements of Owen Stubbs of 3 Knocksinna Court.

6.2.4. Drainage

- The development of the site was constrained as the only route for servicing was south to the N11. Pumping was required as site levels fall northward, which was unacceptable to the planning authority. The planning history of the site was thus confined to proposals for low density development. The purchase of the Knocksinna Court roadway allows the applicant to route piped services to and from Granville Road.
- The development will result in the same amount of storm water runoff as existing. The proposed system has capacity to retain a 1:100 year storm event within the site, in accordance with the Greater Dublin Area Regional Code of Practice for Drainage Works. It is designed to ensure the highest possible standard of storm water is reached prior to discharge including SuDS measures. Third party concerns regarding potential flooding are unfounded.

6.2.5. Visual and Residential Amenities

- The development will result in the improvement and resolution of the existing derelict site at Aberdour. It is carefully designed and includes a high quality of landscaping and boundary treatment. It will improve residential amenities at Knocksinna Court by providing for the resurfacing, proper drainage and the ongoing maintenance of the road and footpath. It complies with the development

plan Building Height Strategy. It does not result in any significant adverse impact on visual or residential amenities such as would warrant a refusal of permission.

- The montage submitted by third parties indicating views of the development in the context of existing houses on Granville Road indicates a view that will never be available, as it does not take account of the distance of the building from Granville Road, rear elevations and the receding distances of the wings of the building. The development will be glimpsed through the dense hedgerow and tree planting on the boundary of the site to the rear of the Granville Road houses, which will be supplemented by proposed landscaping.
- No material overlooking will arise. There are adequate intervening distances to adjoining residential properties. The concerns of the residents of no. 3 Knocksinna Court are noted, however overlooking of the front of a property is not a material consideration.
- The development will not result in material overshadowing of adjoining residential properties. Additional shadow analysis is submitted with the response.
- Trees to be removed at the north west site boundary and the public right of way are in poor condition and recommended for removal. The remaining trees will be retained. The attenuation tank has been reconfigured to preserve the root protection zone to trees to the rear of 17 / 17a Granville Road. The development will not have a material adverse impact on trees on / bounding the site and includes extensive tree planting.

6.2.6. Quality of Residential Development

- The development generally complies or exceeds the DoEHLG apartment standards and development plan standards for residential development with regard to apartment sizes and mix, rooms sizes, orientation, public and private open space provision and car and cycle parking provision.

6.2.7. Ecological Issues

- The site does not contain any features of particular ecological interest. Hedgerows bounding the site will not be affected. The provision of additional trees and swales will boost the biodiversity value of the site.
- While the site is visited by protected bird species, the development will not adversely affect the life or life cycle of such birds or other bird species.

- The right of way will continue to act as a wildlife route. The proposal to surface the route as a pedestrian access is not a significant alteration.

6.2.8. Third Party Comments on the First Party Response to the Appeal

The applicant's response was circulated to the third parties for comment. A total of 11 no. responses were received. The main additional points made may be summarised as follows:

- The applicant's response is selective and does not address many concerns stated in third party appeals.
- Queries regarding rock breaking during construction, surveys of local houses before construction and potential compensation for cracks.
- Concerns about overlooking of adjacent residential properties from elevated heights within the scheme, exacerbated by the topography of the site.
- The additional overshadowing analysis is inconclusive.
- Development would in reality involve removing most of the existing trees at the site, as at the nearby Trianon development. Additional concerns about impact of road and drainage works on the viability of existing trees.
- A rendered wall would be a more suitable boundary to the rear of no. 17A Granville Road than the proposed wooden fence.
- Contest that the development will generate low traffic volumes, notes that 78 no. car parking spaces are provided.
- Existing Knocksinna Court road does not comply with a requirement of the original permission regarding visibility at the Granville Road access.
- Response by Enable Ireland Sandymount School provides further details of the specific needs of Owen Stubbs, a severely disabled child resident at no. 3 Knocksinna Court. The bus used can only collect and drop off directly at his home.
- Correspondence submitted from Dublin County council dated 22nd July 1980 and Dun Laoghaire Rathdown County Council dated 12th December 2005 confirms that the roads, sewers, footpath and public lighting at Knocksinna Court were

taken in charge by the local authority. Questions the ownership of Knocksinna Court and the right of the applicant to carry out proposed works.

6.3. PA Response

6.3.1. The main points made may be summarised as follows:

- The planning authority took the concerns raised by third parties into consideration in its assessment of the application.
- The Transportation Planning report did not raise concerns regarding the development. The access complies with development plan policy ST26: *Motorway and National Routes*. The planning authority is satisfied that in the interest of safeguarding the integrity of the N11 as a National Route and in accordance with national policy on National Routes, the vehicular access via Knocksinna Court is acceptable and would not unduly impact on amenities or traffic / pedestrian safety.
- The planning authority assessed potential impacts on visual and residential amenities in detail. It was not considered that the development would unduly impact on the residential or visual amenities of adjacent properties. It was also found to be acceptable in terms of impact on the character of the area.
- The Drainage Planning report has raised no concerns regarding the capacity of existing drainage infrastructure. The Irish Water report also states no objection.
- The planning authority is satisfied that the development is in accordance with the provisions of the development plan and would be in line with the proper planning and sustainable development of the area.

6.4. Observations

6.4.1. A total of 5 no. third party observations were received from local residents. These generally object to the development on similar grounds to those raised in the third party appeals.

7.0 Assessment

7.1. The following are considered to be the principal issues for consideration in this case:

- Principle of development;
- Residential design and layout;
- Impacts on residential and visual amenities;
- Density and height;
- Traffic and parking;
- Drainage issues;
- Tree and ecological impacts;
- Appropriate Assessment;
- Part V;
- Conclusion.

These matters may be considered separately as follows.

7.2. Principle of Development

7.2.1. The site is zoned as 'A – to protect and improve residential amenity'. The demolition of an existing dwelling and the construction of a new residential development is therefore acceptable in principle. Development plan policy RES3: *Residential Density* states in relation to infill development:

"It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development."

Policy RES4: *Existing Housing Stock and Densification* states:

"It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities."

The development would facilitate the accommodation of additional population on zoned, serviced land in an established suburban area, in accordance with the recommendations of the DOEHLG *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009) for infill sites. In addition, the proposed creation of a higher density residential development is desirable at this location on a public transport corridor, i.e. the N11 Quality Bus Corridor (QBC).

7.3. Residential Design and Layout

7.3.1. These issues may be considered with regard to the following guidance documents:

- *Dun Laoghaire Rathdown County Development Plan 2016-2022* (I note that the standards and specifications in respect of apartment development, as set out in section 8.2.3.3, have been superseded by the 2015 Ministerial Guidelines on apartment development);
- The DoEHLG documents *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying *Urban Design Manual*;
- The DoEHLG *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2015);
- The *Design Manual for Urban Roads and Streets* (DMURS), which was jointly issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Planning and Local Government in 2013.

7.3.2. Housing Mix

The development comprises 5 no. 1 bed units (10.4%), 37 no. 2 bed units (77.1%) and 6 no. 3 bed units (12.5%). Development plan policy RES7 encourages a wide variety of housing and apartment types, sizes and tenures in the county. The plan notes that many of the new households that will form in the county during the plan period will be below the current average size and will often consist of one or two persons. The overall aim is to have a balance of housing types and tenure in the county that reflects this changing household composition and is responsive to the local context. I also note development plan section 8.2.3.2 (i), which states:

“The provision of a range of housing types and sizes in the County is important as CSO trends show an increasing population in the County, with a higher than national proportion in the over 65 age bracket. For example, the 2011 Census indicated that those aged over 65 increased from 13.3% in 2006 to 14.4% in 2011. The national figure showed a decline from 11% to 10% during the same intercensal period. Ensuring mobility within the housing market is to be encouraged.”

The proposed development helps to achieve these development plan objectives.

7.3.3. Design and Layout

The development comprises a 4 / 5 storey over basement block laid out in a ‘U’ configuration ground a central courtyard, which faces the public right of way on the eastern side of the site. As levels fall from the N11 site frontage, the higher 5 storey element is located facing the N11 (south), with the lower 4 storey element facing the rear of houses on Granville Road (north). The block facing Roselawn (west) is 5 storey with the top 2 floors set back. The element closest to Knocksinna Court on the eastern side of the site is stepped down to 2 storey over a semi-basement. The courtyard has hard and soft landscaping, including swales, with mounds and tree planting to the east towards the public right of way. It is overlooked and will provide passive amenity. The landscaping includes tree planting along the N11 boundary and that shared with Roselawn, replacing an existing cypress hedge. There is additional open space to the east of the apartment building, adjoining the boundary of Roselawn. This area will be used as the emergency access to the N11 and will partially be surfaced in ‘reinforced grass’ and gravel. The public right of way to the N11 is to be surfaced and landscaped and will be separated from the development by a railing. The development will not be taken in charge and will be run by a management company.

Section 4.20 of the DoEHLG guidelines on sustainable residential development in urban areas recommends a public open space provision of at least 10% of the total site area for infill sites in urban areas. The development involves a provision of landscaped open space (including the public right of way) of 2,160 sq.m. within a gross site area of 0.64 ha (including Knocksinna Court), i.e. about a third of the site. This provision may be considered with regard to the standards set out in development plan section 8.2.8.2 as follows:

Dwelling type / Presumed occupancy rate	Proposed Scheme
3 + bed 3.5 / dwelling	6 no. units = 21
< 2 bed 1.5 / dwelling	42 no. units = 63
Total population	84
Total public open space requirement (15-20 sq.m. per person)	1,260 – 1,680 sq.m.
Total public open space provision	2,160 sq.m.

The provision may also be considered with regard to the standards set out in DoEHLG apartment guidelines as follows:

Apartment Type	Requirement per unit	Total Requirement
1 bed (5 no. units)	4 sq.m.	20 sq.m.
2 bed (37 no. units)	7 sq.m.	259 sq.m.
3 bed (6 no. units)	9 sq.m.	54 sq.m.
Total		333 sq.m.

The DoEHLG apartment guidelines recommend the provision of children’s play spaces (c. 85 – 100 sq. m.) for the specific needs of children under 6, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building for schemes of 25 or more units. The proposed layout includes a ‘natural play space’ at the eastern side of the site, which is considered to meet this requirement.

I note the report on file of the Parks Department of the planning authority, which recommends conditions in the event of permission being granted. To conclude, the proposed layout and public open space are satisfactory with regard to quantity and quality.

7.3.4. Quality of Residential Accommodation

The total floor areas, room sizes and storage provision of all apartments exceed the minimum areas specified in the DoEHLG apartment guidelines. A total of 40 no. apartments are dual aspect, i.e. well over 50% of the development. All single aspect units are south or west facing. All apartments have balconies with areas in excess of

DoEHLG standards. I note that floor to ceiling height of the ground floor units has been raised to 3m in response to the planning authority further information request, however this results in only a marginal increase in the overall height of the scheme. The application includes a report on noise impacts from the N11, with sound insulation measures for external façades to ensure that noise impacts are within acceptable parameters. Refuse storage is to be provided in an enclosed area in the basement car park. A waste management plan has been submitted for the operational stage of the development. I consider that the development is generally satisfactory with regard to national and development plan guidance for apartment development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

7.4. Impacts on Visual and Residential Amenities

7.4.1. The site is surrounded by existing residential development as follows:

- The rear boundaries of houses on Granville Road to the north. These have large rear gardens, with an intervening distance of >30m between the apartment block and the rear elevations of houses. There is a row of mature deciduous trees along most of this boundary, which is to be retained. Existing fencing is to be retained and supplemented with a hedgerow.
- A detached house, Roselawn, within a substantial site to the west, c. 22m intervening distance to the gable wall. This property is unoccupied at present. There is a row of mature cypress trees along the shared boundary, which are to be replaced by proposed landscaping.
- Another detached house on substantial grounds to the west, Humlegarden. There is an intervening distance of > 25 m to the side gable of Humlegarden. The landscaped area and public right of way are between the apartment building and Humlegarden.
- The front gardens of houses within Knocksinna Court to the north west.

7.4.2. The development will undoubtedly change the context of the existing residential properties at Granville Road, Knocksinna Court and Humlegarden. However, given the intervening distances and the proposed retention of existing mature vegetation, it is considered that the scheme would not result in a significant degree of visual obstruction or overlooking. I note that the bungalow no. 1 Knocksinna Court is located

closest to the apartment building (c. 14m) and is east of the scheme. However, the closest part of the apartment block has been reduced to 2 storey over semi-basement in this area, in order to reduce impacts on residential amenities. Having regard to the shadow analysis submitted, it is clear that the scheme would result in some additional overshadowing of adjacent gardens to the north and east, i.e. Granville Road and Knocksinna Court. However, the houses on Granville Road have very large rear gardens (with the intervening vegetation retained) and the houses on Knocksinna Court would be overshadowed to the front only. The likely degree of overshadowing is considered acceptable on this basis.

7.4.3. Several third party submissions raise concerns about impacts on residential amenities during construction works, particularly during the basement ground works and associated HGV movements through Knocksinna Court. The applicant has submitted a construction management scheme, which states that the construction phase will last for 14 months and construction traffic will access via Knocksinna Court. The pedestrian right of way will be maintained during construction. Construction will be during standard hours. Peak HGV movements will be 10 per day over a 6 week period. The rock breaking works will be in accordance with the relevant Code of Practice and subject to noise and vibration monitoring. A Works Management Plan is to be prepared in consultation with Knocksinna Court residents. These measures are considered reasonable.

7.4.4. To conclude, it is considered that the development would not result in a significant adverse impact on residential amenities by way of overlooking, overshadowing or visual obtrusion such as would warrant a refusal of permission.

7.5. Density and Height

7.5.1. The DOEHLG guidelines on sustainable residential development in urban areas state the following in relation to infill sites in suburban areas:

“In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”

The site is c. 175m from the nearest bus stop on the Stillorgan QBC. The guidelines recommend a density of a minimum of 50 units / ha where a site is located within c. 1

km pedestrian catchment of a rail station or other public transport infrastructure. This recommendation is repeated in development plan policy RES3:

“Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.”

The development provides 48 no. apartments on a site with a stated area of 0.64 ha (including the road access through Knocksinna Court), i.e. 75 units/ha. The third parties submit that this area is misleading and that the site of the existing partially constructed house and grounds is c. 0.5 ha, i.e. a total density of over 90 units/ha. This density is acceptable given the location of the site on a public transport corridor and that the development provides a satisfactory standard of residential accommodation and would not have a significant adverse impact on residential amenities.

7.5.2. The building height strategy set out in development plan Appendix 9 states that the N11, owing to its width, strategic importance and public transport facilities, has the potential to become an attractive urban corridor enclosed by taller buildings of high quality at locations which are also proximate to social and community infrastructure. Such developments have tended to range in height from 3 to 7 storeys. The strategy recommends a general height of 2 storeys outside LAP or SDZ areas, subject to ‘upward modifiers’ of 1-2 floors at certain locations including:

- Developments that would contribute to the promotion of higher densities in areas with exceptional public transport accessibility, section 4.8.1(f).
- Sites > 0.5 ha, which could set their own context for development and may have potential for greater building height away from boundaries with existing residential development.

The site is therefore at a location that is suitable for a higher development. The scheme presents a 5 storey elevation to the N11. Due to the fall in levels away from the road and the retention of the existing 2.2m high granite wall, the ground floor will not be visible. The proposed height is acceptable in the context of is an established pattern of apartment developments along the N11 and the development plan building height strategy.

7.6. Traffic and Parking

7.6.1. Roads Layout

The existing vehicular access to the N11 is to be closed except for emergency vehicles only. While third party comments are noted, I concur with the view of the planning authority that a direct vehicular access to the N11 would be unacceptable at this location on grounds relating to traffic hazard, adverse impact on the bus and cycle routes and undesirable precedent. The development will have pedestrian and cycle access to the N11 and will result in an ungraded pedestrian connection between Granville Road and the N11, which are both desirable.

The owners of properties within Knocksinna Court have raised concerns about the legality of the proposed access through the cul-de-sac, noting that the area was taken in charge by Dun Laoghaire Rathdown County Council. The application includes a solicitor's letter, which confirms that the applicant is the owner of the roadway and the adjacent footpath in front of the 5 houses within Knocksinna Court and of the laneway linking Granville Road to the N11, subject to rights of way. It is submitted that the applicant has sufficient interest in these lands to enable it to apply for planning permission. The Board generally does not arbitrate on matters of dispute in relation to private property as they are not strictly planning matters. It should be noted that the granting of planning permission does not entitle the applicant to carry out works if the consent of 3rd parties is required. As per section 34(13) of the Planning and Development Act 2000 (as amended),

“A person shall not be entitled solely by reason of a permission under this section to carry out any development”.

The junction between Knocksinna Court and Granville Road achieves satisfactory sight distances in both directions (70 m), with regard to the requirements of DMURS and is therefore satisfactory. There is much comment on file by residents of Knocksinna Court regarding the loss of on street parking as a result of the new access. I note that there is off street parking within the front curtilage of each of the houses on Knocksinna Court. I also note that the new access to the development would create an informal turning circle, ref. the tracking analysis submitted with the appeal comment. However, I recommend that the proposed ramps at Knocksinna Court be omitted by way of condition if permission is granted as (i) ramps are

generally not compliant with DMURS and (ii) they hinder access for the disabled resident of no. 3 Knocksinna Court, as per third party appeals / comments. A raised table could be provided at the Granville Road junction in lieu, as recommended in DMURS section 4.4.6. Aside from the ramps, the proposed roads design and layout are considered to be generally compliant with the requirements of DMURS and satisfactory overall.

7.6.2. Traffic Impacts

There is a Transportation Assessment (TA) of the development on file. Knocksinna Court currently carries a weekday AM and PM peak volume of < 10 passenger car units (PCUs) each way. The existing traffic flow along Granville Road at weekday AM and PM peak is estimated at 7.5% and 3.5% respectively of its carrying capacity. The priority junction of Granville Road / Newtownpark Avenue currently operates satisfactorily with the aid of a yellow box, without significant queues or delays. Newtownpark Avenue is moderately trafficked, with a constraint at the capacity of the signals at the N11 junction. The TA concludes that the provision of 48 no. apartments at this location will have a negligible effect on the established traffic conditions as it will add very low volumes of additional traffic to an already busy network. Having regard to the suburban location of the site and to the low number of additional dwellings proposed, I am satisfied that the road network in the area has the capacity to cater for the additional traffic. In addition, the development will benefit from proximity to the N11 core radial bus and cycle route. I also note the following statement in the report of Transportation Planning of Dun Laoghaire Rathdown County Council, 7th February 2017:

“Transportation Planning consider the impact of the existing development on Granville Road can be accommodated taking into consideration accessibility to sustainable modes of travel.”

7.6.3. Parking

The development includes 73 no. car parking spaces (as per the revised layout submitted to the planning authority on 6th April 2017), comprising 66 no. spaces in the basement car park and 7 no. surface parking spaces (visitor parking), including 3 no. disabled spaces. This may be considered with regard to development plan standards as follows:

Apartment Type	No. of units	Development Plan Std.	Parking Requirement
1 bed	5	1 space / apt	5
2 bed	37	1.5 spaces / apt	55.5
3 bed	6	2 spaces / apt	12
TOTAL	48		72.5

The provision therefore meets development plan standards. Adequate cycle parking is also provided. I note the Transportation Planning Report on file dated 27th April 2017, which states a requirement for 80 no. car parking spaces, to prevent demand for on street parking in the vicinity. However, I consider that there should not be any requirement for additional car parking above and beyond development plan standards on a site adjoining a public transport corridor.

7.7. Drainage Issues

- 7.7.1. The difference in levels to services along the N11 is such that pumping would be required. It is therefore proposed to connect to the existing sewer on Granville Road, with foul and surface water to discharge via a new connection under Knocksinna Court. Storm water is to be stored in an attenuation tank located at the entrance to the development from Knocksinna Court. The details submitted with the application state that the proposal has been designed to accommodate a 1:100 year storm event. The basement car park is to drain to the foul system. The design incorporates SuDS measures including permeable paving, swales and a grass roof. The applicant also submits drainage proposals to replace the existing road surface at Knocksinna Court, which will reduce existing uncontrolled runoff from this area. Several of the third party appeals and submissions stage concerns that the development would exacerbate existing flooding in the area. However, there are no records of flooding within or in the vicinity of the site. The available OPW draft flood mapping does not indicate any flood risk at this location. The site is in flood zone C, i.e. lands with a low probability of flooding.
- 7.7.2. I note that the applicant submitted additional surface water drainage proposals to the planning authority in response to the further information request, to the satisfaction of the Drainage Planning department, ref. report on file dated 28th April 2017. The proposed drainage arrangements are acceptable on this basis.

7.8. Tree and Ecological Impacts

7.8.1. There is a development plan tree protection objective relating to the subject site. An arboricultural report was submitted with the application. Additional information on proposed tree removal was submitted with the applicant's response to the appeal.

The trees to be removed comprise:

- The cypress hedge along the eastern side boundary shared with Roselawn.
- A group of 5 no Elms at the proposed entrance from Knocksinna Court. These have contracted Dutch Elm Disease.
- 3 no. individual trees located within the site.

The trees to the rear of houses on Granville Road, along Knocksinna Court and at the public right of way are to be retained. Details of proposed tree protection measures are submitted. It is submitted that the basement car park and drainage works will not have a negative impact on existing trees to be retained. The proposed tree removal and protection approach is acceptable and I am satisfied that the development will not contravene the development plan tree protection objective relating to the site.

7.8.2. The application includes an Ecological Impact Statement, which is based on field visits carried out in October and November 2016. This finds that there are no habitats of conservation interest and no rare or threatened plant species at the development site. No badger sites or suitable bat roosts were identified. Any fauna forced to relocated off site during construction is likely to relocate to ample alternative habitats available off site or may relocated back to suitable parts of the site post construction. The development includes tree planting and swales as surface water management and landscape features. An ecological route is to be maintained via the vegetation adjoining the public right of way. The Ecological Impact Statement concludes that the development will not have a negative impact on the biodiversity and flora and fauna assets of the area. This conclusion is accepted.

7.9. Appropriate Assessment

7.9.1. All designated sites within 15 km of the development are listed above. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European

Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site. I note the AA screening report submitted by the applicant, dated November 2016, which concludes that significant impacts can be ruled out and / or AA is not required. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.10. Part V

7.10.1. The applicant proposes to transfer 5 no. of the proposed apartment units within the development to comply with Part V obligations, comprising 1 no. 1 bed apartment, 3 no. 2 bed apartments and 1 no. 3 bed apartment. There is a memorandum on file by the Housing Department of Dun Laoghaire Rathdown County Council, dated 20th December 2016, which confirms that the proposal is acceptable, "subject to agreement being reached on land values and development costs". A condition requiring a Part V agreement is recommended in the event of permission being granted.

7.11. Conclusion

7.11.1. The proposed development provides a high density of residential development in an established residential area on a public transport corridor. While it contrasts with the surrounding residential development, which is generally 2 storey, it represents a reasonable response to its context. It has a strong visual presence to the N11 and is stepped down at northern and eastern sides of the site to reduce impacts on adjacent residential properties. The overall layout includes good quality public amenity space with a play area. It is well connected to the surrounding area and enhances an existing pedestrian connection to the N11. The quality of apartment accommodation provided is satisfactory. Most of the existing trees are to be retained and supplemented by additional landscaping. I am satisfied that the development will

not result in significant adverse impacts on residential amenities such as would warrant a refusal of permission. Drainage, access and parking arrangements are acceptable. Permission is therefore recommended subject to the conditions set out below.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the site's location in an established suburban area adjoining a public transport corridor on lands zoned as 'A – To protect and improve residential amenity', the nature, scale and design of the proposed development, 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 Dun Laoghaire Rathdown County Development Plan 2016-2022, 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 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 in March, 2013, 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.

10.0 Conditions

1. The 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 on the 7th day of December 2016, the 6th day of April 2017 and the 4th 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.

- (b) Trees which are agreed in writing by 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 Department, 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.

6. 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 interest of visual and residential amenity.

7. 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.

8. 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.

9. (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 to the planning authority for approval 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 interests of traffic, cyclist and pedestrian safety.

10. 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.

11. 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.

12. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

13. 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.

14. (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 would 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.

15. 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 development plan of the area.

16. 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

17. 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.

Sarah Moran

Senior Planning Inspector

7th September 2017