



An  
Bord  
Pleanála

## Inspector's Report 302066-18.

### Development

Removal of one way left turn slip lane to Grangegorman Upper; realignment of T-junction with Rathdown Road/Grangegorman Lower; new raised pedestrian shared surface on Grangegorman Lower with 2 no. uncontrolled pedestrian crossings, 1 no. pedestrian crossing on Rathdown Road and associated road surface.

### Location

Grangegorman Upper and Rathdown Road/Grangegorman Lower junction, Dublin 7.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

2834/18.

### Applicant

Grangegorman Development Agency

### Type of Application

Permission.

### Planning Authority Decision

Permission with conditions.

### Type of Appeal

Third Party.

### Appellant

Kevin Hackett

**Observer**

Monica Larkin.

**Date of Site Inspection**

7<sup>th</sup> December 2018.

**Inspector**

Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed site is in the Grangegorman area of Dublin. The site relates to a section of roadway located at the junction of Grangegorman Upper which enters the junction from the northwest and Rathdown Road which enters the junction from the northeast and Grangegorman Lower at the south. The site adjoins the Grangegorman campus to the west and established residential areas to the east and north fronting onto the existing road network.
- 1.2. The site is roughly triangular area in configuration and forms a three arm junction. There are 2 parking areas within the junction area and kerbside parking
- 1.3. The site has a stated area of 0.27 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 25<sup>th</sup> of April 2018 was for the carrying out of works at the Grangegorman Upper and Rathdown Road/Grangegorman Lower junction.
- 2.2. Specifically, the works entail;
  - The removal of the existing one way left turn slip lane to Grangegorman Upper;
  - The realignment of T-junction with Rathdown Road/Grangegorman Lower;
  - The existing two way traffic movement on Grangegorman Upper will be retained;
  - The provision of a new raised pedestrian shared surface on Grangegorman Lower with 2 no. uncontrolled pedestrian crossings;
  - The provision of 1 no. pedestrian crossing on Rathdown Road and associated new road surface treatment and road marking.
  - The works also entail the removal of existing parking areas within the junction and the creation of a new public plaza with a set down area for mobility impaired vehicles;

- The removal of existing informal car parking accommodating approximately 25 vehicles;
- The provision for 2 no. bicycle parking areas;
- All associated landscape and site works.

2.3. The works are within area stated as c.3,516m<sup>2</sup> and is located adjacent to the existing Grangegorman boundary wall which is a protected structure.

2.4. Documentation submitted with the application included;

- A planning report indicates that the works which are on lands in the ownership of Dublin City Council seek to rationalise vehicular movements and to provide traffic calming in order to provide for the safe operation of a proposed 24 classroom Educate Together Primary School while enhancing the safety of the junction for all users. The school will be the subject of a separate planning application which is to be located to the appeal site and is part of the Grangegorman SDZ. The proposal will address the limited facilities for pedestrian movement and crossing of the road carriageway with the provision of new infrastructure to accommodate pedestrian movement.
- A conservation report in relation to protected structures in particular in relation to the boundary wall on the St. Brendan Hospital complex. The report was prepared for the proposed school and focusses largely on the section of the boundary wall which is a protected structure impacted by the school development and therefore adjoins the proposed road design scheme.
- An appropriate screening report.
- A landscape design statement.
- A transport statement in relation to the junction improvements. The report outlines the existing traffic arrangements in the area and indicates it would be unsafe for the new school to operate and should not proceed in the absence of an upgrade of the existing junction. The report outlines details in relation to the proposed scheme including swept path analysis, location of the new infrastructure and sightline visibility provision and requirements. Details of the construction management plan and a road safety audit are also included.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision of the planning authority was to grant planning permission subject to six conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning report dated the 15<sup>th</sup> of June 2018 refers to

- Zoning and policy context in relation to the city development plan.
- Submissions received.
- An assessment of the issues including principle of the development and policy.
- Permission was recommended.

#### 3.2.2. Other Technical Reports:

The Roads and Traffic Planning Division Report dated 13<sup>th</sup> of June 2018 indicates no objection to the proposed development which was the subject of consultation carried out in consultation with the City Council.

Drainage report dated the 24<sup>th</sup> of May 2018 requests further information in relation to drainage details.

The city archaeologist report recommends conditions in a grant of permission.

#### 3.2.3. Other submissions

A third party submission was received from a resident relating to concerns over the loss of much needed car parking in the area. The improvement of the junction can be carried out in a manner without removing parking and facilitating parents picking up children at the school. Concerns are raised in relation to providing a new public realm/plaza to give rise to vandalism.

The National Transport Authority in a submission dated the 24<sup>th</sup> of May 2018 indicate support for a grant of permission in relation to the proposed development.

TII in a submission dated the 16<sup>th</sup> of May 2018 referring to the Section 49 Luas Cross City Contribution Scheme and if the development is not exempt a levy should be included in the schedule of conditions

## 4.0 Planning History

There is no planning history specifically relating to the site.

There is an extensive planning history associated with the development of the Grangegorman SDZ in the immediate vicinity.

There is also planning history relating to temporary use for a Dublin 7 Educate Together Primary school in temporary facilities for a period of approximately 10 years under P.A. Ref. Nos. GSDZ3653/17, GSDZ3263/14 and 4291/08.

## 5.0 Policy Context

### 5.1. National Policy

- 5.1.1. National policy advocates the adoption of sustainable modes of transport which are set out in the document *Smarter Travel a Sustainable Transport Future* and the *Design Manual for Urban Roads and Streets* (DMURS) sets out detailed guidance in relation to the design of roads and streets and to accommodate modes of transport other than vehicular movement

### 5.2. Development Plan

- 5.2.1. Dublin City Development Plan 2016-2022.

The site is unzoned but the lands to the west are zoned Z14 *to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses* and are part of the Grangegorman Strategic Development Zone SDRA 8. The lands to the north and east are zoned Z1 *to protect, provide and improve residential amenities* and Z2 *to protect and/or improve the amenities of residential conservation areas*.

The plan advocates a new approach to sustainable travel modes, enhancement of public realms and increased priority for public transport, pedestrian and cyclists and

the provisions as set out in section 8.5.4 outline policies and objectives to achieve this including MT7, MT8, MT11 MT14 and MTO26.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The appellant with an address on Rathdown Road in proximity to the proposed development in a submission dated the 13<sup>th</sup> of July 2018 refers to;

- The appellant is opposed to the closure of the slip road and the removal of car parking within the junction and most of the elements of the proposed development can be achieved without their removal.
- The benefit of the removal of the parking areas would be marginal and negate any justification for removal.
- The benefits to the local community in retaining the parking outweigh the removal of the parking areas and is for aesthetic rather than functional practical reasons.
- Even with the car parking areas the slip road closed off and converted to pedestrian paving the paved area around the junction would be very much wider than the roads coming off the junction.
- The surveys were carried out at a period of low student numbers on the DIT site and these numbers will increase hugely with little provision for parking.
- The only policy appears to minimise car parking.
- There have been a number of improvements carried out in the area including the installation of traffic calming plinths at 71 Rathdown Road and further down the road at Grangegorman Lower.

### **6.2. Observer submission**

Monica Larkin with an address of 69 Rathdown Road in a submission dated the 6<sup>th</sup> of August 2018 refers to supporting the third party appeal in particular to the removal of car parking. Parking in the area has been reduced and there is a need for parking in

the areas for public events and for the new library in the area especially in the evenings.

### 6.3. Further Responses

TII in a submission dated the 25<sup>th</sup> of July 2018 referring to the Section 49 Luas Cross City Contribution Scheme and if the development is not exempt a levy should be included in the schedule of conditions.

## 7.0 Assessment

7.1. The proposed development is in effect a recasting of an existing road layout at the junction of Grangegorman Upper, Grangegorman Lower and Rathdown Road and replacing it with a new road layout. Specifically, the works entail;

- The removal of the existing one way left turn slip lane to Grangegorman Upper;
- The realignment of T-junction with Rathdown Road/Grangegorman Lower;
- The existing two way traffic movement on Grangegorman Upper will be retained;
- The provision of a new raised pedestrian shared surface on Grangegorman Lower with 2 no. uncontrolled pedestrian crossings;
- The provision of 1 no. pedestrian crossing on Rathdown Road and associated new road surface treatment and road marking.
- The works also entail the removal of existing informal car parking accommodating approximately 25 vehicles within the junction and the creation of a new public plaza with a set down area for mobility impaired vehicles; and
- The provision for 2 no. bicycle parking areas;

7.2. The grounds of appeal and the submission of the observer are opposed to the closure of the slip road and the removal of car parking within the junction and consider that most of the elements of the proposed development can be achieved without their removal. The benefit of the removal of the parking areas would be marginal and negate any justification for removal and that the benefits to the local community in retaining the parking outweigh the removal of the parking areas and is



for aesthetic rather than functional practical reasons. Reference is made to existing and ongoing measures to traffic calming in the area, that there is demand for public parking in the area for existing services including the library and ongoing development of the DIT campus will exacerbate parking demand in the area.

- 7.3. The planning authority indicated no objections to the development and specifically the Roads and Traffic Planning Division Report dated 13<sup>th</sup> of June 2018 indicates no objection to the proposed development which was the subject of consultation carried out in consultation with the City Council who are the owner of the lands on which the works are proposed and the National Transport Authority in a submission dated the 24<sup>th</sup> of May 2018 to the planning authority I note indicate support for a grant of permission in relation to the proposed development.
- 7.4. In relation to the actual development the works form part of an overall upgrade of the junction to accommodate the provision of a new primary school immediately to the west of the proposed development. It is indicated that the works as proposed are in the transport statement prepared by the applicant to accompany the application essential to the operation of the new school and that it would be unsafe for the new school to operate and should not proceed in the absence of an upgrade of the existing junction (page 20).
- 7.5. In relation to the principle of the development, national and local policy in particular as stated in the Dublin City Development Plan 2016-2022 advocate a new approach to sustainable travel modes, enhancement of public realms and increased priority for public transport, pedestrian and cyclists.

The site which is a public road and part of the public realm is unzoned but the lands to the west are zoned *Z14 to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses* and are also part of the Grangegorman Strategic Development Zone SDRA 8. The lands to the north and east are zoned *Z1 to protect, provide and improve residential amenities* and *Z2 to protect and/or improve the amenities of residential conservation areas*.

The existing junction is a legacy of incremental patterns of transport modes with a priority to vehicular traffic at the expense of pedestrian movement and the provision of parking reflects the use of lands not essential to the movement of vehicles. It is in

effect a car dominated space. The upgrading of the junction and a recasting to provide for all modes of movement including pedestrians and cyclists is I consider acceptable in principle.

7.6. The objection to the development largely relates to the loss of the parking areas and that it is more of an aesthetic improvement rather than a practical improvement. In relation to the latter the development does have major aesthetic aspects which is a positive consideration. The development of the site also forms part of an overall rejuvenation of the area and an upgrade of the junction and the creation of a public space which recognises a function other than accommodating vehicles and in particular private cars with improved and defined increased priority for pedestrians and cyclists would form part of an overall positive improvement and rejuvenation of the area and would also protect, provide and improve residential amenities in the area.

7.7. The appellant and observer are correct in indicating that the junction can be improved and still retain parking, and, in this regard, there are alternatives which could have been progressed. I would accept that there is a loss of parking, but the scheme as presented is promoting a wider rationale than purely managing traffic management flows and the accommodation of present parking provision.

The proposal requires to be viewed in the wider context as a visual enhancement plan scheme that advocates and puts in place a new approach to sustainable travel modes, enhancement of public realms and increased priority for public transport, pedestrian and cyclists as advocated in the wider policy context. In this regard there is measures to provide for pedestrian and cyclist movement with a level of priority not provided for in the current state. It also recognises the changes that will occur as a result of the provision of a new school and the necessity to accommodate movements to and from the site in a safe and efficient manner.

7.8. In relation to impact on conservation objectives I note the conservation report submitted and the report of the city archaeologist. I would agree with the findings as indicated.

7.9. Other matters.

7.10. The requirement of a development contributions would not I consider apply based on the provisions of the Supplementary Development Contribution Scheme (under

Section 49, Planning & Development Act, 2000 as amended) in relation to the LUAS CROSS CITY (ST. STEPHEN'S GREEN TO BROOMBRIDGE LINE).

#### 7.11. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### 7.12. EIAR Screening Determination

Based on a preliminary examination of the nature, size or location of the development there is no real likelihood of significant effects on the environment and EIAR is not required.

### 8.0 Recommendation

8.1. I recommend that permission be granted.

### 9.0 Reasons and Considerations

9.1. Having regard to the nature of the development, the pattern of development in the vicinity and proposals for other development in the immediate area; the overall enhancement of the public realm which the proposed development seeks to achieve and attain, it is considered that the proposed development would not seriously injure the amenities of the area or property in the vicinity and would generally be acceptable in terms of traffic 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 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 Water supply and drainage arrangements, shall comply with the requirements of the planning authority for such works and services and prior to the commencement of commencement of development works the applicant shall liase with the drainage department of the local authority in relation to any specific requirements to be carried out and undertaken.

**Reason:** In the interest of public health.

3. The road and other surfaces and other measures including the provision of shared surfaces, bicycle parking, pedestrian crossing, paving and kerbs, and all associated landscaping shall be in accordance with the detailed standards of the planning authority for such works.

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

4. 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.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by

the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

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Derek Daly  
Planning Inspector

11<sup>th</sup> December 2018