



An
Bord
Pleanála

Inspector's Report ABP-306916-20

Development

The installation of two security gates to the pedestrian entrances and an automatic sliding gate to the vehicular entrance to the site. The gates to be fitted within existing openings between the brickwork piers on front boundary.

Location

409 Stillorgan Road, Stillorgan, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D19A/0986

Applicant

Aiden Durkan

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Date of Site Inspection

3rd June 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The site comprises a four storey student accommodation building located on the eastern side of the Stillorgan Road/ N11, Stillorgan, Co. Dublin, on stated site area of 0.08 hectares. The front of the site is mostly finished in cobble lock paving and four car parking spaces are provided with limited bicycle parking. I note that the Planning Authority Case Officer has described these spaces as pick-up/ set-down bays. The front boundary consists of a high, stone clad wall with piers. A wide central opening allowing for vehicular access is flanked on either side by narrow openings, for pedestrian access, however, as the entrances are un gated, pedestrians can use any of the openings.
- 1.2. To the south of the site is the Talbot Hotel, with its associated surface car parking between the subject site and the hotel building. To the north is a three-storey apartment block.
- 1.3. To the front of the site/ N11 side is a wide footpath, a cycle track, bus lane and two traffic lanes forming the southbound dual carriageway. The cycle track transitions here from a separate lane to be at the same level as the public road at an entrance to the hotel. Therefore, at the front of the site, the footpath is at a higher level than the cycle track which in turn is at a higher level than the road. The bus lane forms a key section of the Stillorgan Quality Bus Corridor with a very high frequency of bus services along this route.

2.0 Proposed Development

The development consists of:

- The installation of two security gates to the pedestrian entrances. These to be steel metal gates (frame with narrow bars) with suitable magnetic lock mechanism. Only the southern gate can be opened, will be available for access purposes.
- An automatic sliding gate (with street number) to the vehicular entrance to the site. This gate to be selected timber in a steel frame.

The gates will be fixed within existing openings between the brickwork piers to the front boundary onto the road.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

‘The proposed automatic sliding gate to the main vehicular entrance would be contrary to requirements of Section 8.2.4.9 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, with respect to vehicular entrances, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise as a result of the significant number of vehicles which would stop/park on the adjacent bus lane, cycleway and footpath of the Stillorgan Road, a Bus Connects Spine Route and part of the N11 National Route of the National Roads network, if the proposed gates were in place and would, by itself, or by the precedent, which the grant of permission for it would set for other relevant development, adversely affect the use of the N11 Stillorgan Road by traffic and the public footpath by pedestrians. The proposed development would therefore be contrary to the proper planning and sustainable development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission for the proposed development. The proposal does not comply with the technical requirements of the Dun Laoghaire-Rathdown County Development Plan in relation to the provision of such gates. In addition, the Planning Authority Case Officer refers to conditions attached to previous grants of permission that required that access to the site be always available.

3.2.2. Other Technical Reports

Transportation Planning: Refusal recommended due to endangerment of public safety – need to wait on bus lane, cyclepath and footpath until gate opened and secondly undesirable precedent which would impact negatively on the N11.

Drainage Planning – Municipal Services Department: No objection to the submitted development subject to a single condition.

3.2.3. **Objections/ Observations**

None.

4.0 **Planning History**

The Planning Authority Case Officer has provided a long planning history in her report, but I will only reference the more relevant ones to this case.

P.A. Ref. D18A/0995 refers to a January 2019 decision to grant permission for significant modifications to previously approved permissions (Reg. Refs.: D17A/1088 and D18A/0348). The proposal includes an additional floor (c. 205.7 sq m) to the permitted building to now provide a 4 storey student accommodation building (c.873.2 sq m) and a total of 27 bedrooms (32 bed spaces) with en-suite bathrooms. Each floor provided with a 'student house' with a common entrance hall, kitchen/living room and laundry/storage facilities. 22 no. covered bicycle spaces, bin storage area, plant room and roof lights. All associated site development works, landscaping, infrastructure and services provision.

Condition no. 14 states:

'The proposed 4 No. on-site set down/drop-off and pick up, and service/delivery vehicle facility shall be always accessible'.

P.A. Ref. D18A/0348 refers to a June 2018 decision to grant permission for significant modifications to previously approved permission (Reg. Ref. D17A/1088) for student accommodation. The application now includes for demolition of the existing 2-storey building (c.308.7 sq m), provision of a 3 storey building (c.667.5 sq m) with a 'student house' on each floor and a total of 21 bedrooms (24 bed spaces) with en-suite bathrooms. A common entrance hall, kitchen/living room and laundry/storage facilities on each floor. Provision of 21 no. covered bicycle spaces, bin storage area and plant room. All associated site development works, landscaping, infrastructure and services provision.

Condition no. 12 states:

'The proposed on-site set down/drop-off and pick up, and service/delivery vehicle facility shall be always accessible'.

P.A. Ref. D17A/1088 refers to a February 2018 decision to grant permission for the change of use of an existing B&B to Student Accommodation, comprising a 'Student House' on each floor, providing a total number of 14 bedrooms with en-suite bathrooms with communal kitchen/dining/living room and laundry on each floor. Alterations and modifications to the existing building, including demolition (circa 3 sq m) and extensions of circa 152.5 sq m to provide a total building floor area of circa 461.2 sq m. Relocation of existing entrance and removal of existing on-site car parking. Provision of 14 no. covered bicycle spaces, bins store, plant room (circa 20.5 sq m). All associated site development works, internal/elevational alterations, landscaping, infrastructure and services provision.

Condition no. 16 states:

'The proposed Student Accommodation development shall include an on-site set down/drop-off and pick up facility as well as allowing for service/delivery vehicles on account of its location on the N11 Stillorgan Road dual carriageway. The on-site set down/drop-off and pick up, and service/delivery vehicle facility: a) Shall be large enough to accommodate a minimum of 2 cars/vans in accordance with the requirements of Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas (i) General Specifications of the current County Development Plan 2016-2022; b) Shall be large enough to allow a vehicle using the facility to drive in from the N11 Stillorgan Road dual carriageway in a forward motion and enter the set down/drop-off and pick up, and service/delivery vehicle facility, assuming that there is also another vehicle occupying it, and then assuming that the other vehicle is also still occupying the set down/drop-off and pick up, and service/delivery vehicle facility proceed to drive out onto the N11 Stillorgan Road in a forward motion; and, c) Shall be always accessible'.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/ or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective. Part of the southern section of the site is located within a ‘Site of Archaeological Interest’ – 023-006 refers to a House - 18th/19th Century. The proposed development will not impact on any archaeology in the area.

5.1.2. The following are relevant/ noted:

Section 8.2.4.9 – Vehicular Entrances and Hardstanding Areas

(i) General Specifications

‘Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5m. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4m. Each car parking space for a residential dwelling shall have a minimum length of 5.5m depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3m to allow for clearance from nearby wall/steps/boundary.

Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed.

Automatic electronic gates into residential developments are not favoured, and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back 6.0m from the back of the footway to avoid the

roadway or footway being obstructed by a vehicle while the gate is opening. In general outward opening gates will not be considered acceptable’.

5.2. National Guidance

- **National Cycle Manual (NTA, 2011)**
- **Design Manual for Urban Roads and Streets (DMURS).**

5.3. Natural Heritage Designations

5.3.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of McGill Planning to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for the provision of pedestrian and vehicular gates within existing brickwork pier openings.

The following issues have been raised in the appeal:

- The gates will provide for improved security at this student accommodation and will limit who can access the site.
- States that the objective relating to gates is not a policy of the Dun Laoghaire-Rathdown County Development Plan.
- Adequate room is available for vehicles accessing the site.
- Reference is made to existing similar development in the area. P.A. Ref. D16A/0284/ ABP Ref. PL06D.247810 refers to a development of 4 houses on the Stillorgan Road with sliding gate access. The adjoining site to the north, ‘The Haven’, is also accessed by automatic electric sliding gates. Other examples are referenced in the appeal.

- Notes that this section of the Stillorgan Road is included as part of the Bus Connects proposal and access to the site is no different to other similar developments.
- The gates will be properly controlled so as to prevent the blocking of the footpath and cycle track.
- A Stage 1 & 2 Road Safety Audit has been prepared and submitted in support of the appeal by Bruton Consulting Engineers. Recommend that a 'shared use pedestrian-cyclist area' be provided in the vicinity of the entrance as is the case at 'The Haven'.
- Without the gates, the development will not function as student accommodation.
- Recommend that the gates be left open from 10.00 – 12.00 to facilitate deliveries etc.

6.2. Planning Authority Response

- 6.2.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

6.3. Observations

None.

7.0 Assessment

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Impact on Traffic Safety
- Appropriate Assessment Screening

7.2. Design and Impact on the Character of the Area

- 7.2.1. There is little comment to be made on the design of these gates as the piers are already in place and the proposed gates are considered to be visually acceptable. The vehicular gate is similar in design to that in use at 'The Haven' to the north of the subject site and will integrate with the existing character of the area.
- 7.2.2. The northern gate is to be fitted with a railing that is fixed in position and is non-openable. The design of this railing will match that of the southern gate which is to be fully functioning and provides the primary access to the site for pedestrians and cyclists.

7.3. Impact on Traffic Safety

- 7.3.1. I have considered the Dun Laoghaire-Rathdown Planning Report and associated Transportation Planning Report, and the issues raised in the appeal. I note the history of the site and it was identified at any stage that access to the site should be always available. Gates that are closed would prevent this and be contrary to the conditions attached to the previous grants of permission.
- 7.3.2. The gates are not set back from the footpath edge and no refuge space for temporary stopping off road is provided. The Road Safety Audit prepared by Bruton Consulting Engineers identifies the issue of concern, basically vehicles stopping whilst waiting for the gate to open will block pedestrians and cyclists. The width of the combined pedestrian and cycle path is between 4 and 4.1 m. I would be concerned also that a larger car/ van may project back onto the bus lane whilst waiting here. I do not accept that the gates will be ready and open every time a delivery is to be made. In addition, leaving the gates open for a period of time seems to defeat the purpose of these gates. I would also question if the suggested hours of 10.00 to 12.00 is the optimum time for deliveries to a facility such as this.
- 7.3.3. It is clear from the history of the site and the identified issues of concern (by the Planning Authority and also in the Road Safety Audit) that the introduction of gates here would have a negative impact on traffic safety. The open access allows for vehicles to access the site and not block the pedestrian or cycle paths. The report prepared by Bruton Consulting Engineers recommends that a shared pedestrian-cyclist area be provided so that a van can pull in and not block these users. This is a solution but no details of this have been provided and, in any case, to provide this would reduce the quality of the pedestrian/ cycle infrastructure along this section of

the N11. I fail to see the merit in the loss of sustainable transport infrastructure to benefit apparently irregular car/ van use at this location. From the site visit it was evident that significant investment has been made into sustainable forms of transport in this location and the beneficial impact of this would be eroded by permitting this development.

7.3.4. I do not accept that it is essential that this gate be provided or else the student accommodation facility will not be used to its optimum. The issue of security would have been considered in the initial design of the student accommodation block. I do not accept that this issue has arisen now. I note the comments of the Transportation Planning Section regarding the possibility for improved security provision on site and I would generally agree that such measures can be provided. I cannot comment on the examples provided as precedent in this area as each case has its own particular characteristics that may not apply in all situations.

7.3.5. I therefore consider that the proposed development would give rise to an unacceptable traffic hazard especially to vulnerable pedestrians and cyclists at this location on the Stillorgan Road.

7.4. Appropriate Assessment Screening

7.4.1. Having regard to the nature and limited scale of the proposed development and the location of the site in an area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reason and considerations as set out below.

9.0 Reason and Considerations

The proposed development would result in cars/ vans/ other vehicles having to temporarily park across both a pedestrian path and cycle path, with additional potential to block and negatively impact on the operation of the Stillorgan Road Quality Bus corridor which is served by the bus lane to the front of the site, in order

to await the opening of the proposed gate to access this site. Having regard to the nature of the proposed development and the impact on existing traffic – both motorised and sustainable forms, it is considered that the revised means of access to the site associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

Paul O'Brien
Planning Inspector

24th June 2020