



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-311559-21**

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<b>Development</b>	Construction of 4 dwellings, 5 duplex units in a 2 storey block. Demolition of conservatory attached to Coolamber House and all ancillary works
<b>Location</b>	Coolamber, Stocking Lane, Dublin 16
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21A/0194
<b>Applicant(s)</b>	Matt and Lucia Barnes
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Matt and Lucia Barnes
<b>Observer(s)</b>	Ballyboden Tidy Towns
<b>Date of Site Inspection</b>	6 <sup>th</sup> January 2022
<b>Inspector</b>	Ian Boyle

## 1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report for ABP-311559-21 (dated 20<sup>th</sup> June 2022).
- 1.2. The submissions on the file and the Inspector's report were considered at a Board meeting held on 3<sup>rd</sup> February 2022. On 22<sup>nd</sup> February 2022, the Board decided to defer consideration of the case and to issue a Section 137 notice to the parties, as follows:
  - (1) The proposed development, by reason of its qualitative provision of public open space and communal amenity space, may conflict with the provisions of the South Dublin County Development Plan 2022-2028, the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009), and with the Sustainable Urban Housing: Design Standards for New Apartments, (2020), respectively and might, therefore, be contrary to the proper planning and sustainable development of the area.
  - (2) Having regard to the location of the proposed development along a section of a busy regional road (the R115 / Stocking Lane), and the paucity of information submitted in relation to the proposed vehicular access serving the site, including in relation to the ability of refuse collection vehicles, emergency vehicles to safely access and egress the site, it is considered, therefore, that the additional traffic associated with the proposed development may endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development might, therefore, be contrary to the proper planning and sustainable development of the area.
- 1.3. The Applicant responded within three weeks.
- 1.4. The Applicant's submission was issued to the Planning Authority and third party observer, as per the Board Direction (9<sup>th</sup> June 2023). The observer responded within the statutory period.
- 1.5. This report considers the submissions made on foot of the request for further information.

## 2.0 Response of Relevant Parties to the Board's Decision

2.1. **The Applicant** made the following main points as part of their submission to the Board:

Response to (1) above:

- The number of car parking spaces has been reduced to the required maximum of 11 no. spaces, which is in accordance with Table 12.26 of the County Development Plan 2022-2028. This allows for an improvement in the quality and size of the public and communal open spaces. [See amended site layout plan, Drwg. No. 2258-17-A].
- The required amount of communal amenity space is 33sqm. A total of 66sqm of communal amenity space is now provided.
- The required amount of public open space (POS) is 210sqm. A total of 263sqm POS is now provided.
- The communal open space area is provided with high quality play equipment.
- Seating is provided along the footpaths of the proposed POS and passive surveillance is provided by the windows on all sides of the duplex block.
- The Board may consider conditioning the provision of a 3m wide shared pedestrian footpath and cycle track at the front of the site. This is shown within the red boundary of the original planning application. The location of the pedestrian crossing can be agreed with Planning Authority at a future point (potential locations shown on the appended drawing).

Response to (2) above:

- A traffic report has been completed by TPS (Traffic and Transportation Consultants) (see file).
- The report demonstrates that refuse collection vehicles can safely turn onsite using the hammer head arrangement and present the rear of the truck for bin collection. The bins would be contained within the bin stands shown in amended Drwg. No. 2258-17-A. Fire tender services can also gain access and manoeuvre safely onsite. [See appended swept path assessment drawings in this regard.]

- Tactile paving and dropped kerbs are proposed to assist vulnerable road users within the bell-mouth of the proposed footpath at the front of the site.
- The proposed development is compliant with the required sightlines of 45m under DMURS (see Drwg. No. 2258-17-A).
- A Stage 1/2 and Stage 3 Road Safety Audit could be conditioned as part of the detailed design stage.
- The proposed site access fully accords with DMURS.

### 3.0 Further Submissions

3.1. **Ballyboden Tidy Towns** raised the following main points in response to the Applicant's response.

- This Stocking Lane in this section has poor sightlines and is heavily congested. There would be three potential egresses onto Stocking Lane as a result of the subject proposal and the SHD application to the south.
- The proposed development should be required to have a better layout and less units. This might then avoid the requirement of refuse trucks and other trucks using the hammerhead turning arrangement.
- The attendance of multiple emergency vehicles on the site at one time, such as ambulance, fire brigade, garda cars, etc., would prove particularly problematic.
- If the hammerhead is occupied and therefore inaccessible – parked cars, for example – this could cause serious traffic implications. This would not occur under a better design / layout.
- The Board should consider the removal of the duplex block or reduction in the number of duplex units.
- The design of the open space is very poor. The public open space is next to a busy road, and it is not clear how useable or functional this area would be.

## 4.0 Assessment

The matters raised as a consequence of the Board's decision relate to:

- Public open space and communal amenity space
- Traffic hazard

### 4.1. Public open space and communal amenity space

- 4.1.1. The Applicant has amended the proposed development by omitting the centrally located car parking spaces on the site (i.e., 3 no. spaces positioned on the north side of the shared communal and public open space area). The open space area is situated in between the proposed duplex block and houses and previously had been compromised in terms of its quality and usability due to its relatively small size, and reduced opportunities for passive surveillance because of the physical presence of parked vehicles directly along its northern edge. Both the duplex block and House Nos. 1 and 2 face towards the space and overlook it without any obvious physical impediment, now that the aforementioned car parking spaces have been removed.
- 4.1.2. I am satisfied that the omission of the car parking spaces, and enlargement of the open space area, has addressed the matter and that previous concerns relating to poor design and layout no longer apply. The overall number of car parking spaces has been reduced to 11 no. spaces which, I note, is in accordance with Table 12.26 of the Development Plan 2022-2028.
- 4.1.3. I recommend that the Board attach a condition requiring the provision of a shared pedestrian footpath and cycle track at the front of the site. This is shown as a new 3m wide combined surface and is within the red boundary for the application. The location of the pedestrian crossing point can be agreed with Planning Authority at a future date (optional locations shown on the drawing).

## 4.2. Traffic hazard

- 4.2.1. I have reviewed the traffic report completed as part of the further information submitted by the Applicant. The report and accompanying vehicle tracking details / diagrams show that refuse collection vehicles, and fire tenders, can enter the property in a forward-moving direction. From there, the vehicle would need to use the hammer-head arrangement to reverse and safely turn onsite before exiting once more in a forwards-direction. In the case of refuse collection trucks, this would mean the rear of the vehicle would be reversed up to the bin storage area without entering further into the site.
- 4.2.2. The preferred option is normally for heavy vehicles to avoid these types of turning manoeuvres onsite. However, I consider this arrangement acceptable in this context given the location of the hammer-head turnaround near the entrance / exit to the site, away from the residential units, and that potential conflict between such heavy vehicles and residents would be minimised as a result. I note also the relatively small number of proposed residential units for the site (9 no.) and that the scheme would be unlikely to result in a high volume of vehicular movements.
- 4.2.3. I acknowledge the concern raised by the third party in that the proposal may potentially lead to three new egresses leading out onto Stocking Lane. This would be on foot of the subject proposal together with the potential redevelopment of lands to the south. However, I do not consider such a scenario unusual in a suburban setting such as this and that nine additional residential units are unlikely to result in any discernible increase in traffic volumes for Stocking Lane, or the wider area. I note also that the speed limit for this section of Stocking Lane is 50kph and that adequate sightlines can be achieved in accordance with the requirements of DMURS.
- 4.2.4. I further note the concern raised regarding a scenario whereby the hammerhead may potentially be occupied and, therefore, inaccessible for its intended purpose (by an illegally parked car, for example). However, I consider this issue could be managed by way of implementing traffic safety measures, such as line-marking and mandatory and emergency road signage. Regular collections from refuse vehicles would also help to discourage any potential practice of individuals parking their cars in this reserved space.

- 4.2.5. The Applicant has committed to completing a Stage 1/2 and Stage 3 Road Safety Audit to identify and address any potential traffic safety hazards. This requirement should be conditioned and completed as part of the subsequent, detailed design stage for the development.
- 4.2.6. In summary, I am satisfied, based on the further information submitted, that the additional traffic associated with the proposed development is unlikely to endanger public safety by reason of traffic hazard or obstruction of road users.

## **5.0 Recommendation**

I refer to the previous Inspector's Report and recommendation on this application dated 20<sup>th</sup> June 2022. Having regard to the additional submissions received, I am satisfied that all matters have been addressed fully and recommend that planning permission be granted for the reasons and considerations set out below.

## **6.0 Reasons and Considerations**

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, including the zoning objective for the site ('RES – Existing Residential'), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future residents and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 7.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended the further plans and particulars received by An Bord Pleanála on 10<sup>th</sup> March 2023, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Provision shall be made for a shared pedestrian footpath and cycle track along the front of the site as part of the development. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>



	<p>development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
6.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
7.	<p>a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p><b>Reason:</b> To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>

8.	<p>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:</p> <ul style="list-style-type: none"><li>a) A plan to scale of not less than 1:500, showing –<ul style="list-style-type: none"><li>i) Existing trees, hedgerows, shrubs, and other features of note, specifying which are proposed for retention as features of the site landscaping.</li><li>ii) The measures to be put in place for the protection of these features during the construction period.</li><li>iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</li><li>iv) Details of screen planting.</li><li>v) Details of roadside/street planting.</li><li>vi) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.</li></ul></li><li>b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</li><li>c) A timescale for implementation.</li></ul> <p>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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
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9.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>Prior to commencement of development, final finishes, construction makeup and detailing of the proposed footpath and the layout of the proposed car parking, junction kerbing, drainage, road markings and signage shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
12.	<p>a) A Road Safety Audit (Stages 1, 2 and 3) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p>

	<p>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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

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Ian Boyle  
Senior Planning Inspector

17<sup>th</sup> August 2023