



An  
Bord  
Pleanála

## Inspector's Report ABP-305483-19

### Development

Request to make alterations to development of 235 no. student bedspaces and 37 no Build to Rent apartments and associated site works.

### Location

Site bounded by Mill Street, Sweeney's Terrace and Clarence Mangan Road, Dublin 8

### Planning Authority

Dublin City Council

### Applicant

Creedon Group Ltd. and GSA Developments (Ireland) Ltd.

### Type of Application

Section 146B - Request to alter previously approved Strategic Housing Development

### Inspector

Sarah Moran

## 1.0 Introduction

1.1. The request is to alter a project which the Board granted permission subject to 25 conditions on 29<sup>th</sup> March 2018 (ref. no. ABP-303436-19) under the Strategic Housing Development provisions.

### 1.2. Permitted Development ABP-303436-19

1.2.1. The permitted development comprised an extension to the existing New Mill student accommodation development on the adjoining site to the south (permitted under PL29S.244805 Reg. Ref. 3475/14 and comprising 96 no. student accommodation units, ancillary student accommodation facilities and 4 no. retail/commercial units, all in 5 blocks ranging in height from 4-7 storeys grouped around an internal courtyard off Mill Street and incorporating the restoration, adaptation and reuse of No. 10 Mill Street and a former Mission Hall). The subject permission involved a total of 57 no. 3,4,6 and 8 bed student units (235 no. bedspaces) in a series of 4 no. connected blocks (Blocks A, B, C, D) and 37 no. Built to Rent (BTR) units in a separate block, all grouped around a separate courtyard as follows:

- Block A fronting onto Mill Street/Clarence Mangan Road, 5-7 storeys in height with commercial/retail and student amenity uses at ground floor level and student accommodation on upper levels;
- Block B to the side of No. 10 Mill Street and forming a bridge between Block A and Block C. 4 storey with student accommodation at 1<sup>st</sup> to 3<sup>rd</sup> level with access to the internal landscaped courtyard at ground level via an underpass.
- Block C forms the western side of a new street permitted as part of the existing New Mill Development and addresses the open space to the rear of No. 10 Mill Street. It is also 4 storey with café use at ground floor level, addressing the open space to the rear of No. 10 and ancillary student accommodation amenity space and student accommodation on upper floors.
- Block D to the south of Block C continuing the western edge of the new street before cranking to the south to form a public space onto the River Poddle at the southern end of the site. 5 storey with student accommodation on all floor levels.
- 37 no. BTR units in a separate, adjoining 3– 7 storey block fronting onto Sweeney's Terrace.

1.2.2. The permitted development also included:

- Ancillary student accommodation uses including reception/management suite, internal social and recreational spaces.
- Amenity facilities and landscaped roof garden in the BTR block, to serve those units only.
- Public access to the scheme through an existing arch adjoining No. 10 Mill Street. Emergency access via an existing right-of-way from Sweeney's Terrace at the western side of the site, to also serve the 2 storey house to the rear of Sweeney's Terrace.
- New central amenity courtyard for residents, accessed via an east/west street to the side of No. 10 Mill Street. Also new landscaped area adjacent to the River Poddle including remedial works to existing retaining walls on either side of the river and recladding of the existing flood defence wall.
- No car parking provision. Total of 166 no. cycle parking spaces including 146 no. long stay (sheltered) spaces and 20 no. visitor spaces. Formalisation of car parking spaces at Sweeney's Terrace and a set down area on Mill Street.
- Demolition of a decommissioned ESB substation on site.
- Connection to public water supply. Surface water drainage, connection to foul sewer.
- Part V proposal comprising transfer of 3 no. ground floor BTR units.

## 2.0 Legislative Basis

2.1. Section 146B of the Planning and Development Act 2000 (as amended) provides for a person carrying out or intending to carry out a Strategic Housing Development to make a request to alter the terms of a development, the subject of a planning permission under the Act. Section 146B(2)(a) provides that:

As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

Section 146B(2)(b):

Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

2.2. Alterations deemed to be non-material. Section 146B(3)(a):

If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

2.3. The provisions of section 146B(3)(b) to section 146B(9) set out the procedures where the Board decides that the making of the alteration would constitute a material alteration. Section 146B(3)(b)(i) allows the Board to require the requester to submit the information specified in Schedule 7A of the Planning and Development Regulations 2001. Section 146B(3)(b)(ii) provides that, following the receipt of such information, the Board may be, determine whether to:

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

2.4. Section 146B(4) provides that, before making a determination under section 146B(3)(b)(ii), the Board shall determine whether the extent and character of

(a) the alteration requested under subsection (1), and

(b) any alternative alteration it is considering under subsection (3)(b)(ii)(II)

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering). Section 146B(7)(a) sets out matters that the Board shall have regard to in making a determination under subsection (4).

2.5. Section 146B(5) provides that, if the Board determines that the making of an alteration under section 146B(3)(b)(II):

- (a) Is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or
- (b) Is likely to have such effects, the provisions of section 146C shall apply.

Section 146B(6) provides that if, in a case to which subsection (5)(a) applies, the Board makes a determination to make an alteration of the kind referred to in subsection (3)(b)(ii), it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request and the planning authority.

2.6. Section 146B(8)(a) requires that the request shall be made available for inspection and that the requester shall notify certain persons or the public that the information is so available and invite submissions or observations to be made within the specified period. Section 146B(8)(b) requires the Board to have regard to any submissions or observations made under subsection (8)(a).

### 3.0 Proposed Alterations

3.1. The proposed alterations involve the following changes to the permitted development:

#### Block A:

- Increase in the permitted building height and parapet levels of Block A (c. 300-800mm) to accommodate the provision of a new ground floor mezzanine level.
- Omission of permitted basement level, which contained circulation areas and 167 sq.m. of plant and storage area for the ground floor retail/commercial unit.
- Relocation of student amenity space (135.5 sq.m.) at ground floor level to facilitate the creation of 2 no. flexible retail/commercial units (Area 1 126.5 sq.m.

and Area 2 279.5 sq.m.) with an active retail/commercial space at the Mill Street frontage of Block A. An enlarged student amenity space is to be located at mezzanine level (152.5 sq.m.), also an additional retail/commercial space (183 sq.m.). Also associated reconfiguration of circulation areas, stairs, toilets, etc. A double height space is provided for retail/commercial Area 1.

- Revised layout of student accommodation on the 1<sup>st</sup> to 6<sup>th</sup> floors of Block A, including 2 new 5 bed clusters on the 5<sup>th</sup> and 6<sup>th</sup> floors (10 new bedspaces).
- Reconfiguration/rationalisation of circulation cores to accommodate revised ventilation and services.
- Associated amendments to the external elevations of Block A.

#### Block B:

- Revised layout of student accommodation units on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels of Block B.
- Reconfiguration/rationalisation of circulation cores to accommodate revised ventilation and services.

#### Block C:

- New basement level to accommodate revised plant requirements.
- Revised layout to ground floor level to accommodate amendments to the circulation core and electrical/ventilation services and a projected stair core to accommodate wheelchair refuge. Relocation of permitted switch and ESB rooms and an internal student amenity space to the southern elevation of Block C with associated reduction in the area of the café (49.5 sq.m. reduced to 43 sq.m.) and student amenity space (174 sq.m. reduced to 137 sq.m.). Associated relocation of toilet and revised layout of refuse area and bin store.
- Amendments to the layout of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of Block C to amalgamate 3 no. 3 bed student accommodation clusters and 3 no. 4 bed student accommodation clusters into 3 no. consolidated 7 bed clusters, one on each level. Rationalisation of the remaining student accommodation clusters on each level. Associated revisions to each floor layout to provide rationalised stair

dimensions, repositioned lift, revised electrical/ventilation services and a projected stair core to accommodation wheelchair refuge.

- Access to the roof of the bike store/external amenity area omitted from 1<sup>st</sup> floor level and provided instead via stairs from the ground floor level of the internal courtyard.
- Roof plantrooms moved from other blocks to a centralised location at Block C.

#### Block D:

- Rationalisation and standardisation of ground to 4<sup>th</sup> floor levels of the internal student accommodation layout and student accommodation units and circulation core including stair dimensions, repositioning of lift, omission of toilet and revisions to the electrical / ventilation services.

#### BTR Block:

- Amendments to permitted basement layout to accommodate revised plant requirements, BTR refuse storage area, bicycle storage area, revised common room and revised gym layout.
- Amendment to entrance lounge on ground floor level by introduction of a meter cabinet and replacement of double door access with single door access.
- Rationalisation of the internal layout of the BTR units and circulation core including revisions to electrical/mechanical and ventilation services.

3.2. The above alterations entail the following overall changes to the permitted development:

- Increased total no. of student bedspaces from 235 to 245 no. bedspaces.
- Associated amendments to external elevations and fenestration.
- Overall increase in the permitted building height and parapet levels (c. 300-800mm).
- Alterations at rooftop level including the relocation of screened roof plant from Blocks A and D to an amalgamated plant area on the roof of Block C, along with revised lift overrun locations.

- Revised ground floor landscaping layout including landscaping of the Poddle amenity space.
- Movement of Blocks C and D southwards by c. 1.8m and slight amendments to the footprints of the blocks with revised external amenity and circulation arrangements. Associated amendments to the laneway between Blocks C and D which facilitates access between Clarence Mangan Road / Sweeneys Terrace to the west and the new street to the east of the site.
- Provision of 3 new access gates at the following locations:
  - Entrance to the private courtyard area between Blocks A and C.
  - To the west of Block D to secure the wayleave circulation route for future residents and neighbouring industrial units.
  - To the east of Block D along the access route extending from the archway adjoining No. 10 Mill Street to the Poddle amenity area.

3.3. The alterations will result in the following changes to floorspace/external amenity space:

|   | <b>Permitted</b>        | <b>Proposed</b>        | <b>Increase / Decrease</b> |
|---|-------------------------|------------------------|----------------------------|
| Overall floorspace GFA                        | 9,842 sq.m.             | 10,663.17 sq.m.        | + 820.85 sq.m.             |
| Useable commercial/retail floorspace          | 351.5 sq.m.<br>(1 unit) | 589 sq.m.<br>(2 units) | + 237.5 sq.m.              |
| Combined internal and external amenity spaces | 1,276 sq.m.             | 1,256.5 sq.m.          | - 19.5 sq.m.               |
| Café  | 49.5 sq.m.              | 43 sq.m.               | - 6.5 sq.m.                |

3.4. Condition no. 2 of ABP-303436-19 stated:

*The proposed development shall be amended so that Block D is set back from its western boundary by a minimum of 2 metres to allow for public access to the exposed area of the River Poddle from the laneway from Sweeney's Terrace.*

*Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.*

*Reason: To protect the visual amenities and character of the area.*

It is requested that condition no. 2 be omitted in its entirety or amended as follows:

*Public access to the exposed area of the River Poddle from Mill Street and Sweeney's Terrace will be available between 9.00 am and 5.00pm, Monday to Sunday.*

It is proposed to move Blocks C and D c. 1.8m southwards with associated amendments to the laneway between Blocks C and D to facilitate access between Clarence Mangan Road/Sweeney's Terrace to the west and the new street to the east of the site and the proposed public access route to the Poddle amenity area from Mill Street and Sweeney's Terrace.

3.5. The following documentation is submitted in support of the proposal:

- Environmental Report
- AA Screening Report
- Revised Daylight, Sunlight and Overshadowing Study
- Permitted and proposed architectural drawings
- Permitted and proposed Schedule of Accommodation and Housing Quality Assessment
- Landscaping plans and documents
- Permitted and proposed photomontages
- Civil Engineering Infrastructure Report
- Student Accommodation Management Plan and BTR Management Plan

## **4.0 Consideration of Materiality**

4.1. The Board is referred to the Memo on file, dated 15<sup>th</sup> January 2020, which sets out a detailed assessment of the materiality of the proposed alterations. It notes the nature of the permitted development and the proposed alterations and the rationale

submitted by the applicant. Having regard to the nature of the proposed alterations, to the quantum of additional student bedspaces and associated ancillary facilities and to the quantum of commercial/retail floorspace, it concludes that the requested alterations would authorise a development outside the terms of the original application and the existing permission and therefore would be material. On this basis, the Board decided under section 146B(2)(a) that the proposed alterations would constitute a material alteration to the terms of the permitted development.

## **5.0 Board Correspondence and Responses**

- 5.1. The Board informed Dublin City Council on 24<sup>th</sup> September 2019 of the request received and enclosed a copy of the request which, it was advised, may be made available for public inspection. The planning authority was not invited to make any submission at that stage.
- 5.2. As per the proposed alteration was deemed to be material, the Board issued a notice to the requester under section 146B(8)(a), requiring them to publish notices of the proposed request, to make information regarding the request available for inspection and to invite submissions upon it to be made to the Board within a 5 week period. The planning authority was also to be informed of the request and invited to make submissions upon it. The relevant correspondence was issued by the Board to the requester on 10<sup>th</sup> March 2020. It was noted that the requester had already submitted the information required under Schedule 7A. The following submissions were received on foot of the above notices.
- 5.3. **Dept. of Culture, Heritage and the Gaeltacht / National Parks and Wildlife Service**
- Notes that the proposed amendments include the installation of a grating on the opening to the downstream culvert conveying the River Poddle underground out of its open course within the amenity space. The grating is intended to prevent unauthorised access. However, the Dept. is concerned that the design of the proposed grating could prevent the passage of otters along the River Poddle.
  - Otters, which are afforded a regime of strict protection under the Habitats Directive (92/43/EEC) have in recent years been recorded higher up the River Poddle in Tymon Park, which they most likely reached through a culverted

section of the river. Otters are in addition being regularly recorded in central Dublin on the section of the Liffey into which the Poddle discharges at Wellington Quay. The distribution of otters recorded in recent surveys of other water courses within Dublin City and its suburbs, such as the Camac and the Clonkeen Stream, also strongly suggests that they are traversing long culverts on these streams. It is therefore considered advisable on the precautionary principle to maintain the potential for otters to move freely up and down the River Poddle to facilitate this aquatic species' fuller utilisation of the Poddle system if water quality is improved.

- Recommends a condition requiring that the grating be designed such that the potential passage of otters along the river is preserved and the design of the grating is to be agreed with the National Parks and Wildlife Service and Inland Fisheries Ireland.

#### **5.4. Jennifer Winder Baggott**

- The observer is a resident of Clarence Mangan Road.
- Objects to removal of public access to the site. The permitted development includes a landscaped area at the Poddle, which is now to be used as a private space for residents of the development.
- The observer requests that public access be retained as permitted.

#### **5.5. Noel and Kay Clarke**

- Strongly object to additional pedestrian traffic at the right of way access from Sweeney's Terrace, with consequent impacts on the amenities and security of Sweeney's Terrace and nos. 33-35 Clarence Mangan Road.
- The development permitted by Dublin City Council under Reg. Ref. 3745/14 included a new urban square and a new east-west pedestrian route through the site from the new street to Warrenmount Lane. However, on completion of the development, the three entrances to the site were kept locked, in order to maintain the health and safety of residents. The same concern should be applied to the health and safety of residents of Sweeney's Terrace and Clarence Mangan Road.

## 6.0 Screening

- 6.1. The authorised development was screened for Appropriate Assessment and it was concluded that it would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. A revised AA Screening Report is submitted. I am satisfied that there is no potential that the proposed alteration to the permitted development could have any significant effect on any Natura 2000 site either in itself or in combination with any other plan or project and an Appropriate Assessment is not required.
- 6.2. Under S146B(4), the Board must consider whether the proposed material alterations would be likely to have significant effects on the environment, before making a determination under S146B(3)(b)(ii). The development permitted under ABP-303436-19 was sub threshold for EIAR with regard to the criteria for mandatory EIA set out in Item 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended). As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. A preliminary examination was carried out on the development proposed under ABP-303436-19, which was well below the threshold for residential development as set out in Class 10 (b)(i) of Schedule 5. This concluded that, based on the nature, size and location of the development, there was no real likelihood of significant effects on the environment. I note the submitted Environmental Report, which considers the proposed amendments and provides an updated assessment with regard to Schedule 7 of the Planning and Development Regulations 2001, as amended. It also provides information equivalent to that set out in Schedule 7A of the Regulations. It is evident from the characteristics of the changes to the development that would be authorised by the requested alterations (which would not alter the authorised land use on the site or substantially increase its intensity) and from their location on zoned and serviced urban land that they would

not have significant potential impacts. The above submissions, including that of the NPWS, are also noted in this regard. It is therefore evident that the requested alterations would not be likely to have significant effects on the environment and I recommend that a determination be made under section 146B(4) to that effect.

## 7.0 Assessment

- 7.1. The proposed alterations would not significantly alter the nature or the scale of the overall student accommodation and BTR development permitted at this site under ABP-303436-19. The additional 10 no. student bedspaces are considered to be acceptable in principle at this location with regard to development plan policy on the concentration of student accommodation. The proposed additional commercial/retail floorspace is acceptable in principle under the relevant Z10 zoning objective in the Dublin City Development Plan 2016-2022. I am satisfied that the revised layout of the floorspace in Block A will add to animation at street level and will not detract from the amenities of residents of the scheme and the proposed retail/commercial layout is considered acceptable on this basis. The alterations increase the maximum building height from 22.98 m to 23.54 m, which is within the 28m height limit for commercial development at inner city locations as per development plan policy on building height. The increased plot ratio of 2.591 is within the 2.0-3.0 range for Z10 lands as per development plan section 16.5. The proposed alterations are therefore within required parameters and in accordance with development plan standards.
- 7.2. The revised student accommodation layout is generally in accordance with the guidance provided in development plan section 16.10.7, as per the submitted Housing Quality Assessment. The alterations also involve minor amendments to service arrangements and units within the BTR block, which are acceptable. The applicant submits that the proposed increase to 245 no. student bedspaces requires a total of 1,225 sq.m. of amenity space in accordance with development plan policy on student accommodation. The revised scheme provides a total of 1,256.5 sq.m. (as itemised in Figure 7.2 of the submitted Planning Report). I consider that a satisfactory level of communal amenities has been achieved overall and that the revised development will provide an acceptable standard of residential accommodation.

- 7.3. The alterations do not involve any significant change to water supply, foul drainage or surface water drainage arrangements, or to the connection to the public water supply. They will not result in any significant increase in flood risk. I note that the Irish Water pre-connection enquiry correspondence refers to a connection for 265 bed student accommodation.
- 7.4. I note that there is no change to separation distances to adjacent buildings and, having regard to the submitted revised Daylight, Sunlight and Overshadowing Study and revised photomontages, I am satisfied that the alterations will not result in any significant changes to impacts on visual or residential amenities I also consider that the revised elevations will not result in any significant changes to impacts on the setting of the protected structure No. 10 Mill Street from those associated with the permitted development. There will also be no significant change to impacts on the archaeological resource of the area.
- 7.5. No additional cycle parking provision is proposed. It is submitted that the increase of 10 no. student bedspaces does not require a further increase in the permitted quantum of cycle parking given the findings of the bicycle occupancy study and travel survey previously conducted for the adjoining New Mill scheme, as was considered in the Inspector's Report of ABP-303436-19. This point is accepted.
- 7.6. The applicant requests that condition no. 2 of ABP-303436-19, which requires that Block D is set back from its western boundary by a minimum of 2m to allow for public access to the exposed area of the River Poddle from the laneway at Sweeney's Terrace, is omitted or amended as follows:

*Public access to the exposed area of the River Poddle from Mill Street and Sweeney's terrace will be available between 9.00 am and 5.00 pm, Monday to Sunday.*

It is proposed to move Blocks C and D c. 1.8m southwards. This layout provides public access to the amenity area at the River Poddle via the wayleave at Clarence Mangan Road/ Sweeney's Terrace and the laneway between Blocks C and D. This arrangement also links to the access from Mill Street via the archway beside No. 10 Mill Street and connects to the new street in the adjoining development to the east of the development site. The alterations involve associated amendments to the laneway between Blocks C and D and an amended internal layout of Block C to

provide improved surveillance and activity along the pedestrian routes. It is submitted that this arrangement will provide a more active and appropriate pedestrian access to the Poddle amenity space by linking the established pedestrian routes. This point is accepted. The proposed landscaping details of the Poddle amenity space are also satisfactory. The revised condition no. 2 is therefore acceptable.

7.7. The revised layout includes three new access gates at (i) the access to the courtyard amenity space serving Blocks A and C; (ii) at the wayleave and student amenity space to the west of Block D and (iii) at the access to the Poddle amenity space to the east of Block D. I note the submissions by local residents, as summarised above. The proposed layout will retain public access to the open space at the River Poddle, albeit during daytime hours. The revised student accommodation management plan outlines the operation of the proposed new gates such that they will be open to the public during the working hours of 9 am to 5 pm with access restricted to occupants of the development outside those hours. This is acceptable. I note the objection to the public right of way at Sweeney's Terrace, however the permitted development included a public right of way at this location, as required by condition no. 16(e) of ABP-303436-19, and the continuation of same is therefore acceptable.

## 8.0 Recommendation

8.1. As per section 146B(3)(b)(ii), the Board may (I) make the proposed alteration; (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or (III) refuse to make the alteration. As per the above discussion, the proposed alterations are considered acceptable without any further amendments. I therefore recommend that the Board apply the provisions of section 146B(3)(b)(ii)(I) and make the proposed alteration in accordance with the draft order set out below. Having regard to the comments of the NPWS, I recommend that the Board attach a Note to the Order advising the applicant to consult with the NPWS and Inland Fisheries Ireland as recommended.

## DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 20<sup>th</sup> day of September 2019 from Creedon Group Limited and GSA Developments (Ireland) Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of 235 number purpose-built student bed spaces; 37 number residential (Build-to-Rent) apartments; one number commercial/retail unit and one number café along with associated site works at a site bounded by Mill Street, Sweeney's Terrace and Clarence Mangan Road, Dublin 8, the subject of a permission under An Bord Pleanála reference number ABP-303436-19.

**WHEREAS** the Board made a decision to grant permission, subject to 30 conditions, for the above-mentioned development by order dated the 11<sup>th</sup> day of April 2019 under ABP-303436-19,

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the proposed alteration is described as follows:

- **Blocks A, C and BTR – Basement (Lower Ground Floor) Level:** Omission of the permitted basement level in Block A, the introduction of basement level in Block C and amendments to the permitted layout of the basement in the BTR Block.
- **Block A – Ground Floor Level:** Provision of a mezzanine level above ground floor and the creation of two number flexible retail/commercial units of 126.5 sq.m. and 279.5 sq.m. respectively at ground floor level. The proposed mezzanine level above accommodates an enlarged internal student amenity space (152.5 sq.m.) and an additional retail/commercial space (183 sq.m.).
- **Block A – Upper Floor Levels:** Provision of two number additional five bed student accommodation clusters at fifth and sixth floor levels of Block A.

- **Block C – Ground Floor Level:** Relocation of the permitted switch and ESB rooms from the southern to the eastern elevation, the introduction of a launderette facility (23 sq.m.) and associated amendments to the two number internal student amenity spaces and the café (minor floorspace reductions), together with the relocation of the toilet and layout revisions to the refuse area and bike store.
- **Block C – Upper Floor Levels (First, Second and Third Floor Level):** Amalgamation of three number three bed student accommodation clusters and three number four bed student accommodation clusters at first, second and third floor levels to provide three no. seven bed student accommodation clusters. Rearrangement of access to the roof of the bike store/landscaped external amenity area.
- General internal rearrangements of all blocks to include the rationalisation and standardisation of the internal layouts of the student accommodation and BTR units, circulation cores and services.

External amendments as follows:

- General amendments to the fenestration on all levels and ground floor level access arrangements to match internal amendments at ground and upper floor levels on all elevations.
- Amendments to the ground floor level landscaping proposals and to the internal courtyard elevations to reflect internal amendments.
- Increase in the permitted building heights and parapet levels (c.300-800mm) and the rationalisation/standardisation of floor plate heights and levels across the permitted development.
- Alterations at rooftop level including the relocation of screened roof plant from Blocks A and D to an amalgamated plant area on the roof of Block C, along with revised lift overrun locations.
- The movement of Blocks C and D southwards by approximately 1.8m and slight amendments to the footprints of the blocks to provide enhanced external amenity and circulation arrangements for the proposed development.

- The provision of access gates at the entrance to the private courtyard area between Blocks A and C, to the west of Block D and to the east of Block D.

Revised floor areas as follows:

- Overall increase of floorspace from an approved 9,842.32 sq.m. GFA to 10,663.17 sq.m. GFA (an increase of 820.85 sq.m. GFA).
- Increase of 237.5 sq.m. of usable commercial/retail floorspace from 351.5 sq.m. (discounting circulation space, toilets and basement plant/storage space) to a total of 589 sq.m. contained in two number flexible units.

Amendment of Condition number 2 of ABP-303436-19 from:

The proposed development shall be amended so that Block D is set back from its western boundary by a minimum of 2 metres to allow for public access to the exposed area of the River Poddle from the laneway from Sweeney's Terrace.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the visual amenities and character of the area.

To the following:

Public access to the exposed area of the River Poddle from Mill Street and Sweeney's Terrace will be available between 9.00 am and 5.00 pm, Monday to Sunday.

**Reason:** To protect the visual amenities and character of the area.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** the Board decided to require the requestor to make available information relating to the request for inspection, and require the requestor to invite submissions or observations,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by the Board on the 20<sup>th</sup> day of September 2019.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-303436-19, in respect of 235 no. student bedspaces and 37 no Build to Rent apartments and associated site works;
- (ii) the examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (iii) the limited nature, scale and extent of the alterations;
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations, and

(v) the report of the Board's Inspector,

it is considered that the proposed alterations to the permitted development would be generally in accordance with the provisions of the Guidelines for Planning Authorities on the Design of New Apartments issued in March 2018 and those of the Dublin City Development Plan 2016-2022, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted and would not injure the character of the permitted development or the level of amenity that it would afford its occupants. The proposed alterations would therefore be in keeping with the proper planning and sustainable development of the area.

**Note:** The requester is advised to consult with the National Parks and Wildlife Service and Inland Fisheries Ireland regarding the design of the proposed grating at the River Poddle.

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**Sarah Moran**  
**Senior Planning Inspector**  
**13<sup>th</sup> July 2020**