



An  
Bord  
Pleanála

## Inspector's Report ABP-306135-10

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<b>Development</b>	Request to make alterations to Blocks A and B of previously permitted development PL06D.TA0001
<b>Location</b>	UCD Campus, Belfield, Dublin 4
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Applicant</b>	University College Dublin
<b>Type of Application</b>	Section 146B - Request to alter previously approved Strategic Housing Development
<b>Inspector</b>	Sarah Moran

## 1.0 Introduction

1.1. The request is to alter a project which the Board granted permission subject to 16 conditions on the 9<sup>th</sup> January 2018 (ref. no. PL06D.TA0001) under the Strategic Housing Development provisions comprising:

- Student accommodation development with an overall GFA of approx. 98,275 sq.m. (over a partial basement of 21,437 sq.m.) providing a total of 3,006 number residential bed spaces (as a mix of apartments, halls of residence and studios) and retail services space.
- 10-year permission
- Demolition of the following buildings in the vicinity of Roebuck Castle (protected structure): Roebuck Offices (former Residence Building); modern extension to Roebuck Castle (a protected structure); Southern Courtyard Range; former chapel; outbuildings and an academic building (UCD Confucius Institute building). No further works are proposed to Roebuck Castle (a protected structure), Glebe Lodge (protected structure), and Crannog Lodge.
- Construction of student accommodation arranged in 7 number blocks as follows:
  - Block A:** total GFA c. 15,246 sq.m., ranging in height from 5 to 7 storeys generally with a 10 storey corner element and comprising 75 apartments with 478 bed spaces together with 2 retail service units (approx. 172 sq.m. and 76 sq.m. respectively) and 1 café unit (approx. 152 sq.m.) at ground floor level.
  - Block B:** total GFA c. 12,009 sq.m., ranging in height from 5 to 7 storeys and comprising 67 apartments with 390 bed spaces.
  - Block C:** total GFA c. 11,970 sq.m., ranging in height from 5 to 7 storeys and comprising 57 apartments with 386 bed spaces.
  - Block D:** total GFA c. 12,973 sq.m., ranging in height from 6 to 7 storeys generally with a 10 storey corner element and comprising 49 apartments and 12 halls of residence with 452 bed spaces.
  - Block E:** total GFA c. 12,023 sq.m., ranging in height from 5 to 7 storeys and comprising 67 apartments with 412 number bed spaces.

**Block F:** is arranged as 3 distinct buildings and provides a total GFA of c. 25,604 sq.m., ranging in height generally from 6 to 8 storeys with a 10 storey corner element and comprising 111 apartments and 12 halls of residence and 1 studio apartment with 828 bed spaces together with 1 café/retail unit (approx. 171 sq.m) at ground floor level.

**Fulcrum Building:** total GFA of approx. 8,450 sq.m., ranging in height from 2 to 7 storeys and comprising 60 studio apartments with 60 bed spaces together with complementary student facilities including auditorium with approx. 290 seats (327 sq.m.); dining hall (approx. 144 seats) and food hall (1,114 sq.m.); 4 retail units (approx. 98 sq.m. each); 1 convenience store (approx. 367 sq.m.), fitness suite (443 sq.m.), Students' Health and Well-being Centre (265 sq.m.), UCD Residents' Contact Centre (378 sq.m.); and, ancillary facilities.

All blocks include ancillary student accommodation facilities including lounge areas; study rooms, laundry facilities.

- Minor realignment of existing access road from Owenstown entrance to the main internal circulation route. Provision of 994 no. car parking spaces comprising 637 spaces at basement level, 32 surface spaces within the student accommodation scheme, extension of existing park to the south-west of Belgrove Student Residence by 225 surface spaces on a site and provision of 100 surface spaces adjacent to UCD Sutherland School of Law. Provision of 2,104 bicycle parking spaces comprising 510 spaces at basement level and 1,594 surface spaces. The provision of a new, temporary construction access onto Foster's Avenue, associated junction works, and associated construction parking (approximately 200 number cars) for the duration of the construction period.
- Widening of the footpath on Roebuck Road including for the removal of the existing boundary wall and provision of a new plinth wall with railing on top (overall height unchanged at circa 2 m), and enhanced public realm landscaping within the curtilage of the site.
- Provision of 3 double electricity substations each with a 1.1 megawatt capacity.
- All associated and ancillary landscaping works, boundary treatment, water, wastewater and surface water works, and, site and development works at UCD, Belfield, Dublin 4 (main site generally bounded by UCD Lochlann Quinn School

of Business and UCD Sutherland School of Law to the north, Merville Student Residence to the east, Ashfield Student Residence and Belgrove Student Residence to the west, extending to Foster's Avenue to the east and including Roebuck Castle (protected structure), Crannog Lodge and Glebe Lodge (protected structure) to the south, together with two separate land parcels located to the southwest of Belgrove Student Residence and to the north-east of Merville Student Residence).

- The application was accompanied by an EIAR and an AA Screening Report.

1.2. The proposed development comprised three phases as follows:

- **Phase 1:** Block D, Block E and Fulcrum Building, surface car parks, Owenstown Road realignment, construction access road, basement ramp, and enabling works comprising various service diversions, new drainage, water, gas, electrical and services trenches all landscaping and public realm works associated with this phase of development.
- **Phase 2:** Blocks A, B, and C, basement car park structure, and various drainage, water, gas, electrical and service trenches all landscaping and public realm works associated with this phase of development.
- **Phase 3:** Demolition of buildings to the south of the development site and construction of new Block F buildings and various drainage, water, gas, electrical and service trenches all landscaping and public realm works associated with this phase of development.

1.3. The Board decided to grant Phases 1 and 2 of the development and refused Phase 3. The following conditions are considered relevant to the subject S146B application:

- Condition No. 2:

Mitigation and monitoring measures outlined in the plans and particulars relating to Phases 1 and 2, including the environmental impact assessment report submitted with this application as set out in Volume 2.19 Section 18 of the EIAR "Summary of Mitigation Measures", shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

- Condition No. 5:

The proposed development shall be amended to omit the surface car parking proposed at the 'Little Sisters' site (225 number spaces). Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: To ensure that the development complies with the UCD Campus Travel Plan 2016-2021-2026 and in the interests of sustainable transport.

- Condition No. 9:

No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

## 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.*

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.*

The provisions of section 146B(3)(b) to section 146B(9) set out the procedures where the Board decide that the making of the alteration would constitute a material alteration, including section 146B(3)(b) which allows the Board to require the requester to submit the information specified in Schedule 7A of the Planning and Development Regulations 2001 and section 146B(8) which 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.

### 3.0 **Proposal**

3.1. Development has commenced on Phase 1 of PL06D.TA0001 and the proposed amendments relate to Phase 2. The proposal is seeking to make amendments to Blocks A, B and C, which generally relate to basement level as follows:

- Reduction in size of the basement below Blocks A, B and C from 21,437 sq.m. to 19,869 sq.m.
- Reduction in the number of car parking spaces from 637 no. to 595 no.
- Provision of a landscaped sunken garden to accommodate bicycle storage (no. spaces to remain unchanged at 510 no. spaces), pedestrian and lift access to basement and a fire escape.
- Reconfiguration of basement layout comprising:
  - Omission of lifts and stair core connections from the ground floor level with access to the basement to be provide through the proposed sunken garden.

- Provision of 3 no. fire escapes that lead to the external area, one at the northern end of the basement and two at the southern end.
  - Relocation of bicycle parking to the centralised storage areas in the sunken garden.
  - Relocation of storage rooms and plant rooms to the perimeter of the basement area.
  - Improved aisle layout.
  - Adjustments to ventilation openings to reflect the amended layout.
- Provision of two lightwells accommodating basement car park escape stairs on the eastern and western sides of the building.
  - A total of 7 no. fire escapes are provided from basement level.

3.2. The proposed amendments also involve the following changes to the external elevations of Blocks A, B and C:

- Reduction in parapet height by 1,070 mm in all three blocks.
- Provision of a fall arrest guard rail behind the parapet.
- Provision of a screened roof plant area of 147 sq.m. An alternative plant location of the same height and design is shown at ground level to the north west of Block A, if the preferred roof location is considered unsatisfactory by the Board.

## 4.0 Board Correspondence

4.1. The Board informed Dun Laoghaire Rathdown County Council on 20<sup>th</sup> February 2020 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 this stage.

## 5.0 Assessment

### 5.1. Consideration of Materiality

- 5.1.1. The first consideration in relation to this request to alter the terms of PL06D.TA0001 is to determine if the making of the alterations would constitute the making of a material alteration of the terms of the Strategic Housing Development as granted.
- 5.1.2. The proposed amendments do not involve alterations to the quantum of student accommodation provided, to the overall site layout or to site services. The original EIAR predicted no significant residual impacts on the surface water system, the foul system and the Irish Water supply. The proposed amendments will not result in any further impacts or additional mitigation measures.
- 5.1.3. I consider that the substantive issue is whether the proposed amendments are materially different compared with those subject to the previous assessment. I consider that the principal potential impacts relating to the proposed amendments are visual impacts, site services, surface water drainage, noise and vibration impacts, traffic and transportation and environmental impacts. These matters may be considered separately as follows.
- 5.1.4. Applicant Rationale

The applicant submits a rationale for the proposed amendments. The following points of same are noted:

- The amendments will not reduce the quantum or quality of the permitted student bedspaces.
- The amendments are intended to improve the safety, security and efficiency of Blocks A, B and C and are necessary to expedite the delivery of these blocks.
- The proposed basement amendments are to improve safety and security and to improve efficiency in traffic flow. The car parking area will be streamlined and the cycle parking is centralised away from vehicular traffic. The sunken garden will create a comfortable and safe environment. It is proposed to omit all additional lifts to the basement area. Other proposed amendments are required for fire safety and to facilitate cross ventilation of the basement area.



- The car parking area is reduced and the total no. of car parking spaces is reduced from 637 to 595 no. spaces. The permitted accessible spaces at surface level are unchanged. The proposed reduction in car parking quantum is part of an overall aim to limit the campus-wide car parking provision and to manage car parking demand in accordance with the UCD Travel Plan 2016-2021-2026. The total no. of bicycle parking spaces is unchanged at 510 no. spaces. The overall traffic arrangements are unchanged from the permitted development.
- The amendments will not result in any incremental increase in the overall building height of the scheme. They will not alter the overall building design or the permitted fenestration. The reduction in parapet heights by 1070 mm and the introduction of a guard rail system behind the parapet will reduce the overall massing and visual impact of the blocks while still providing safe maintenance access to the roof areas.
- The proposed roof level plant enclosure of 147 sq.m. will be set behind the parapet and will be sensitively screened with louvered panelling such that it will not give rise to any perceptible additional impacts over the permitted scheme. The proposed roof plant at Block A is 3.18m high overall and rises 2.52m above the proposed parapet level. The structure sits below the height of the adjoining 7 storey block and maintains the stepped building profile that is integral to the design of the scheme.
- The amendments will not alter the paved area, green roof, SUDS proposals or green space permitted and therefore will not fundamentally impact on the surface water infrastructure design. The surface water drainage at basement level will be amended to facilitate the revised layout but water arising will still be pumped to the network at ground level as per the permitted development and the estimated flows are unchanged. The proposed foul and potable water systems are unchanged.
- The applicant is of the opinion that the proposed alteration does not constitute a material alteration.

#### 5.1.5. Visual Impact

Section 4.7.3 of the Environmental Report considers landscape and visual impacts and there is supplementary comment to the original Landscape and Visual Impact Assessment (LVIA) as follows:

- The revised roof plant location is not picked up in any of the views of the LVIA and appear only to be seen from the north from within the campus public realm if at all.
- The reduced parapet heights will be seen from views 9 and 10 of the LVIA, however the change is slight if at all perceptible in these views and therefore does not warrant a change to the assessment of these views.
- Therefore, the proposed amendments do not alter the impact assessments undertaken for Chapter 11 of the parent EIAR and therefore no additional mitigation measures are required.

I am satisfied that the proposed amendments will not result in any significant change in visual impacts from the permitted development. I therefore do not consider that there is a material change in terms of visual impact.

#### 5.1.6. Surface Water Drainage and Site Services

As per the submitted Engineering Statement, the proposed amendments will not result in any increased surface water discharge or changes to the foul drainage or water supply. There is no change to the building footprint, paved area, green roof, SUDS proposals or green space as per the permitted development. Therefore, the fundamental proposed surface water drainage system will be as per the original permission. There is a slight change to the basement surface water drainage to reflect the revised layout but it will continue to be pumped to the proposed foul network at ground level as per the permitted development. There is no impact on the overall estimated flows emanating from the development. There is no change to the quantum of development and no additional foul flows will result. The fundamental foul system is as permitted. The proposed amendments will not give rise to any increased demand for potable water and there is no change to the permitted water supply. I am therefore satisfied that the amendments will not result in any significant

change in impacts from the permitted development in relation to surface water drainage and site services.

#### 5.1.7. Noise and Vibration Impacts

An addendum to the original assessment of noise and vibration impacts is submitted. The proposed amendments at roof level will not result in any significant change to noise and vibration impacts from those assessed in the original EIAR.

#### 5.1.8. Traffic and Transportation Issues

The proposed amendments result in a reduced overall car parking provision. There is no change to the permitted traffic or vehicular access arrangements or to the quantity of student accommodation units. There will not be any material increase in external traffic impact on the surrounding road and street network. The development is to be carried out in the context of car parking strategy proposed as part of the UCD Travel Plan 2016-2021-2026, which takes account of the provision of external public transport and cycling movements. I am therefore satisfied that the proposed amendments will not result in any significant change to traffic and transportation impacts from the permitted development.

#### 5.1.9. Environmental Impacts

The following points are noted in relation to the proposed amendments, with regard to the EIA carried out in the course of PL06D.TA0001 and to the submitted Environmental Report dated December 2019:

- The amendments are, of themselves, below the threshold for mandatory EIA as per item 10 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended);
- The overall development permitted under PL06D.TA0001 (i.e. Phases 1 and 2) would also, of itself, be sub threshold for mandatory EIA;
- Having regard to the criteria set out in Schedule 7 of the Regulations and the information submitted in respect of Schedule 7A, no significant impacts have been identified such as would warrant EIA;
- The amendments will not result in any changes to the building footprint.

- The amendments will not change or increase the total no. of permitted student accommodation units or bedspaces; will not have any significant increased visual impacts;
- No other significant changes in environmental impacts are identified. The proposed amendments do not give rise to any new activity or impacts unrelated to the permitted development and consequently there are no further impacts associated identified or additional mitigation measures proposed.

I do not consider that the proposed amendments would result in any significant changes to environmental impacts from those assessed in the EIAR. The proposed alteration would therefore not alter the findings of the EIA in relation to ecological impacts or require any amendment to proposed mitigation measures. I therefore consider that there would be no significant ecological impacts other than those already considered by the Board and addressed by mitigation and condition.

#### 5.1.10. Assessment of Materiality

I submit that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for ABP-301230-18.

I note that the proposed plant area at roof level would not be consistent with condition no. 9 of PL06D.TS0001 as set out in section 1.3 above. I therefore recommend that the Board order specifically refer to the plant enclosure layout proposed by the applicant as per drawing no. 3.1.023.4, i.e. located at ground level.

I am of the opinion, having fully considered the proposed alterations and the development as granted under PL06D.TA0001, that the Board would not have determined the proposal differently had the proposed amendments formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted under PL06D.TA0001.

I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development granted under PL06D.TA0001, I am of the opinion that the proposed amendments would not result

in any substantive change to impacts on visual or residential amenities and that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

## **5.2. Appropriate Assessment**

- 5.2.1. An AA Screening Report was submitted with PL06D.TA0001. The Board completed AA Screening in relation to the potential effects of the permitted development on designated European Sites, taking into account the nature, scale and location of the development (being a redevelopment of land within a zoned and serviced university campus in an urban area), the AA Screening Report submitted with the application and the Inspector's report and submissions on file. The Board concluded that, by itself or in combination with other development in the vicinity, the development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment was not, therefore, required.
- 5.2.2. A supplementary AA Screening Report is submitted in respect of the proposed amendments. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site, which are fundamentally unchanged from those of the permitted development. Having considered the Board's determination on Appropriate Assessment on PL06D.TA0001, section 10.12.1 of the Inspector's Report on PL06D.TA0001, the nature, scale and extent of the proposed alteration relative to the development subject of and approved under PL06D.TA0001, and the information on file which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 6.0 Recommendation

- 6.1. I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under PL06D.TA0001. This decision specifically relates to the proposed plant enclosure layout at ground floor level as per drawing no. 3.1.023.4.

### DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 12<sup>th</sup> day of December 2019 from University College Dublin under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the UCD Belfield Student Accommodation Strategic Housing Development the subject of a permission under An Bord Pleanála reference number PL06D.TA0001.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 9<sup>th</sup> day of January 2018,

**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:

Amendments to Blocks A, B and C of previously permitted development PL06D.TA0001, UCD Campus, Belfield, Dublin 4.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration 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

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number PL06D.TA0001 for this site, which includes student accommodation units (3006 no. bed spaces) including student facility centre, car parking and all associated site works,
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the limited nature and scale of the alterations,
- (iv) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

**Note: This decision specifically relates to the proposed plant enclosure layout at ground floor level as per drawing no. 3.1.023.4.**

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**Sarah Moran**

**Senior Planning Inspector**

**25<sup>th</sup> March 2020**