



Board Direction

Ref: 29S.246625

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24th, October 2016.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, the planning history of the site, to the 'Z2' zoning of the site in the Dublin City Council Development Plan 2016 – 2022 the objective of which zoning is 'to protect and/or improve the amenities of residential conservation areas' and to the existing character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of dwellings in the vicinity of the site, would be acceptable in terms of architectural heritage and conservation and its impact on Protected Structures including those incorporated with the proposed development and those on adjoining and adjacent sites, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that subject to the amendments made by conditions including requiring the omission of a floor from proposed Block A, the proposed would not seriously injure the amenities of dwellings adjoining and adjacent to the site and would represent an acceptable use and form and scale of development within an area zoned as a residential conservation area in the Dublin City Development Plan 2016 – 2022.

In not accepting the Planning Inspector's recommended second reason for refusal, the Board considered that the proposed development had merit in that it provided for the conservation of Protected Structures at Nos 40, 42 and 44 Lower Rathmines Road in a satisfactory manner which will contribute to the long terms survival of these buildings and a replacement building at No. 46 Lower Rathmines Road of suitable design and scale in keeping with the character of the streetscape at this location. The Board had regard to the limitations imposed on the redevelopment of No. 40, 42 and 44 by reason of their status as Protected Structures and concluded that the proposed development would provide for a satisfactory standard of accommodation for future residents of proposed buildings B and C.

CONDITIONS

- (1) Std. P and P and Reason
- (2) The proposed development shall be amended as follows:
 - (a) The floor indicated as 'first floor' on Drawing No. PL 20 received by the planning authority on 30th, March 2016 and indicated at level 23.85 on Drawing No. PL 31 (Block A) received by the planning authority on 30th, March 2016 shall be omitted in its entirety. The proposed sedum roof shall be extended to cover the entire roof of the proposed ground floor as indicated on Drawing No. PL 18 received by the planning authority on 30th, March 2016
 - (b) The front elevation to the proposed replacement building at No. 46 Lower Rathmines Road shall incorporate a front entrance door onto Lower Rathmines Road as indicated per Drawing No. PL 29 received by the planning authority on 7th, August 2015 and the layout of the ground floor of this building as indicated on the further information received by the planning authority on 30th, March 2016 shall be modified, as appropriate, to accommodate this front entrance door.

Details of these amendments and modifications shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to protect the amenities of adjoining dwellings at Bessborough Court

- (3) The proposed units shall be used as student accommodation only and shall not be leased or sublet for any other use unless a prior grant of planning permission has been obtained from the planning authority or An Bord Pleanála on appeal.

Reason: In the interest of clarity.

- (4) Std. External finishes and Reason
- (5) Std. WaterDrain and Reason
- (6) Per c. 6 of p.a. and Reason
- (7) Per c 7 of p.a. and Reason
- (8) Std. CMP (incl. hours) and Reason
- (9) Std. UrbanWaste 2 (...omit 'apartment'...) and Reason.
- (10) Std. Conservation Architect and Reason (in respect of works to Protected Structures)
- (11) (a) The access to the site from Fortescue Lane shall not be used for vehicular access, deliveries or bin collection,
- (b) The arrival and departure of students associated with the moving into and vacating of units shall be managed so as to minimise the impact on the adjoining road network and other road users.
- (12) Cycle parking provision within the site shall be secure, sheltered, well-lit and shall be designed so that both the frame and wheels of each bicycle can be secured on the bicycle stand. Details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development,

Reason: In order to provide for suitable bicycle facilities to serve the proposed development in accordance with Development Plan standards.

- (13) Std. Public Lighting and Reason.

(14) Per c. 16 of p.a.

(15) Std. S.48 (unspecified) and Reason

Board Member: _____ Date: 24th, October 2016
Paddy Keogh