



An
Bord
Pleanála

Board Direction
BD-00037-18
ABP-300184-17

The submissions on this file and the Inspector's report were considered at a meeting of all available Board members held on February 22nd 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location close to Dublin city centre and third level institutions on lands with zoning objectives Z4 to 'provide for and improve mixed service facilities', Z6 'provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and Z15 'protect and provide for institutional and community uses' in the Dublin City Development Plan 2016-2022,
- (b) the policies set out in the Liberties Local Area Plan 2009,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016), and the National Student Accommodation Strategy (Department of Education and Skills, 2017),

- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the nature, scale and design of the proposed development,
- (g) the availability in the area of a wide range of social and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the planning history of the subject site and of adjoining properties, and
- (j) The report of the Inspector and the submissions and observations received,

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 property in the vicinity, would not adversely impact on the character or setting of nearby protected structures, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The development hereby permitted shall be used as student accommodation, in accordance with the definition of student accommodation provided under

section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application, subject to the omission of references in that Plan to a sports hall.

(b) The green roofs shall not be used as terraces or amenity space, and access to these areas shall be limited to maintenance purposes only.

(c) Student house units shall not be amalgamated or combined so as to exceed clusters of eight bed units, or so as to fail to comply with the standards set out in section 16.10.7 of the Dublin City Development Plan 2016-2022.

Reason: In the interest of the amenities of occupiers of the units and surrounding properties.

4. The operating hours of the proposed retail/café unit shall be agreed in writing with the planning authority prior to first occupation of the unit.

Reason: In the interest of protecting the amenities of the area, and to allow the planning authority to exercise control over the operating hours of this unit.

5. The landscaping scheme shown on drawings numbers 17D12-DR-200 and 17D12-DR-201, as submitted on the 14th day of November, 2017, shall be carried out within the first planting season following substantial completion of external construction works. In addition, provision shall be made for the planting of street trees along the Cork Street footpath, in accordance with

details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. No additional development, other than that shown on drawings submitted with the application, 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 amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

8. (a) 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.

(b) The new surface water pipe, detailed on site services layout drawing number 170046-3001, shall be completed and connected to the existing

surface water sewer on Cork Street by the developer in accordance with the relevant technical standards of the Council for such works.

Reason: In the interest of public health, and to ensure a proper standard of development.

9. The works for the provision of footpaths along the Cork Street frontage, and for the provision of roads and footpaths along the Brickfield Lane frontage of the site, shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in full with the requirements of the Design Manual for Roads and Streets (DMURS), in particular corner radii. These works shall be carried out at the developer's expense.

Reason: In the interests of pedestrian, cyclist and traffic safety.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting to the widened footpath along Brickfield Lane, 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 unit.

Reason: In the interests of amenity and public safety.

11. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential developments.

12. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission. No roller shutters shall be erected on the exterior of the building at any doors/entrances to the student accommodation facility or to the retail/café unit, or along any part of the external glazing of the building at street level.

Reason: In the interest of visual amenity, and to allow the planning authority to assess all signage on this site through the statutory planning process.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

15. (a) Prior to the first occupation of the student accommodation, all of the proposed cycle parking spaces shall be provided and, thereafter, shall be retained in-situ.

(b) The area reserved for possible future additional bicycle spaces, as shown on layout drawing number 170046-2001-D, shall be kept free from development.

Reason: In the interest of sustainable transportation.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide inter alia: details of intended construction practice for the development, including noise management measures, off-site disposal of construction/demolition waste, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of structures retained in association with the Brú Chaoimhín complex to the

west, RPS reference number 2053) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures.

Reason: In the interests of public safety, residential amenity and to ensure that the integrity of the protected structures in the vicinity are maintained and that the structures are protected from unnecessary damage.

17. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

18. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

Reason: In order to safeguard the amenities of property in the vicinity.

19. A construction and demolition waste management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

20. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 22nd February 2018

Philip Jones