



An  
Bord  
Pleanála

**Board Direction**  
**BD-002890-19**  
**ABP-303467-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/04/2019.

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 in the established area of Sandyford and adjacent to the Stillorgan Luas stop;
- (b) the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (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 Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), issued by the Department of Environment, Heritage and Local Government in November 2009;
- (h) Dept. of Education and Science Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999 (1999).
- (i) Dept. of Education and Science Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999. (July 2005)
- (j) National Student Accommodation Strategy, Dept. of Education and Skills, 2017
- (k) the nature, scale and design of the proposed development;
- (l) the availability in the area of a wide range of social, community and transport infrastructure;
- (m) the pattern of existing and permitted development in the area;
- (n) the planning history within the area;
- (o) the submissions and observations received, and
- (p) the report of the Inspector.

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 respect the existing character of the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Statement submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Report Screening Report submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on a brownfield, urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

## Conditions

1. The proposed 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development hereby permitted shall only be occupied 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 proposed 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.
  - (b) Access to green roofs shall be for maintenance purposes only.
  - (c) Student house units shall not be amalgamated or combined.

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

4. The proposed development shall be amended as follows:
  - (a) Room number 01-046 shall be redesigned, along with adjoining room number 01-044, to provide two number single-bed rooms that achieve a satisfactory standard of daylight and residential amenity.
  - (b) The proposed elevation to Blackthorn Road shall be revised such that there is an external doorway to the library / study space that opens onto Blackthorn Road.
  - (c) Steps shall be provided between the public footpath at Blackthorn Road and the ground floor entrance to the laundrette. Additional public seating shall also be provided at this location.
  - (d) Primary colours shall not be used in the façade treatment of the building's elevations. A palette of muted neutral colours shall be submitted to and agreed in writing with the Planning Authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of residential amenities and to provide for an active street frontage to Blackthorn Road in accordance with Specific Local Objective 113 of the Sandyford Urban Framework Plan 2016-2022.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
  - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

- (b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and
- (e) the basketball court and climbing wall shall be in accordance with requirements of planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

6. Prior to the commencement of development, the applicant shall submit to the planning authority for agreement full details of all works to be carried out at the applicant's expense along the development frontage at Blackthorn Drive and Carmanhall Road for the public realm within and outside the site boundary, to include detailed layouts and cross sections. Details shall include tree planting and landscaping and any conflicts between provision of services and or transport infrastructure and provision of tree planting / landscaping will be identified and agreed. The works shall include:
- (a) the provision of an accessible continuous legible unobstructed minimum pedestrian footway along each development frontage and an unobstructed cycle track along Blackthorn Drive;
  - (b) the retention and enhancement of a wide, usable, soft-landscaped public amenity space along Blackthorn Road in accordance with Public Realm Objective PR1 of the Sandyford Urban Framework Plan 2016-2022;

- (c) The maximum retention practicable of perennial herbaceous planting along Blackthorn and Carmanhall Roads in accordance with Public Realm Objective PR6 of the Sandyford Urban Framework Plan 2016-2022;
- (d) The selection of suitable trees for street planting in accordance with the detailed requirements of the planning authority.

**Reason:** In the interests of visual amenities, permeability, connectivity and good urban design.

7. In accordance with the submitted details, the proposed laundrette and the proposed café / lounge located to the ground floor of the development along Blackthorn Road shall be open to residents and employees of the wider Sandyford Business District, as well as residents of the development hereby permitted. In addition, membership of the proposed gym located to the ground floor of the development along Blackthorn Road shall be open to residents and employees of the wider Sandyford Business District, as well as residents of the development hereby permitted.

**Reason:** To ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population of the Sandyford Business District in accordance with Specific Local Objective 113 of the Sandyford Urban Framework Plan 2016-2022.

8. Prior to the occupation of the development hereby permitted, the applicant shall prepare a Community Facility Strategy for the written agreement of the planning authority. The Strategy shall set out how the development will be managed to offer the café / lounge space for exclusive use by local voluntary community groups or clubs on a sessional basis for a minimum of six hours per week, with one session scheduled for the evening time. Thereafter the café / lounge shall be offered as a community facility on a sessional basis in accordance with the agreed Community Facility Strategy. The applicant shall liaise with the community section of Dun Laoghaire Rathdown County Council prior to the preparation of the Community Facility Strategy.

**Reason:** To ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population of the Sandyford Business District in accordance with Specific Local Objective 113 of the Sandyford Urban Framework Plan 2016-2022.

9. Details including samples of the materials, colours and textures of all the external finishes to the proposed building and of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

10. (a) All bicycle parking, motorcycle parking and car parking shall be in accordance with the detailed requirements of the planning authority for such works.
- (b) A minimum of 2 no. on-street car parking spaces shall have electric vehicle charging points and all on street car parking spaces should have the infrastructure to enable future provision of electric vehicle



charging points. Furthermore, all undercroft spaces shall have electric vehicle charging points provided.

- (c) Prior to the commencement of construction on site, the developer shall submit to the planning authority for its written agreement details of a revised design and layout for the basement bicycle parking area.
- (d) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car parks shall be in accordance with the detailed standards of the planning authority for such works.
- (e) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (f) The detailed design of and the materials used in any roads / footpath areas along Blackthorn Road and Carmanhall Road shall be provided by the developer and shall comply with the detailed standards of the planning authority for such road works.
- (g) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

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

11. The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit it to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

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

12. A Mobility Management Plan for the proposed development, to include parking management, shall be prepared and submitted to the planning authority for approval prior to the commencement of development.

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

13. (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) Prior to the commencement of construction on site, the developer shall submit to the planning authority for its written agreement full technical details of all surface water sewer infrastructure including green roofs and podium drainage. All completed sewer infrastructure shall be to the full technical requirements of the planning authority.

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

14. Public lighting shall be provided in accordance with a scheme, 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.

15. 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 and street 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 place names for new residential areas.

16. 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.

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

17. 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 amenities of property in the vicinity and the visual amenities of the area.

18. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

19. Site development and building works shall be carried out only between 0800 to 1800 hours 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:** To safeguard the amenities of property in the vicinity.

20. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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.

21. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

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

22. The construction of the proposed 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 details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

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

23. 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.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

25. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

26. 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:** 30/04/2019

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Paul Hyde