



An
Bord
Pleanála

Board Direction
BD-004487-19
ABP-305061-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2019.

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.

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, the Appropriate Assessment Screening Report submitted with the application and 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 sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental 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, scale and extent of the proposed development on an urban site served by public infrastructure;
 - (b) the absence of any significant environmental sensitivities in the area, and
 - (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.

Reasons and Considerations

Having regard to:

(a) the policies and objectives in the Dublin City Development Plan 2016-2022;

(b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(c) 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;

(d) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) the nature, scale and design of the proposed development;

(g) the availability in the area of a wide range of social, community and transport infrastructure,

(h) the pattern of existing and permitted development in the area,

(i) the submissions and observations received and

(j) 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 and would be acceptable in terms of pedestrian and traffic safety and convenience. 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The development hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, and for no 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.
b) Access to green roofs shall be for maintenance purposes only.
c) Student House Units shall not be amalgamated or combined.

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

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - (a) Signage throughout the development, including the shopfront to the café.
 - (b) Public lighting throughout the development.
 - (c) Details of areas to be taken in charge to be agreed in writing.
 - (d) Details of the proposed materials which will flank either side of the front elevation of the retained façade shall be submitted and approved in writing. This material shall be of high quality so as not to detract from the existing elevation of the former cinema.
 - (e) Details of the existing boundary wall treatment including the planting scheme to be submitted and agreed in writing with the planning authority. The applicant shall also clarify whether the existing boundary wall with high fence is to remain in situ as part of this scheme.
 - (f) Prior to commencement of development the applicant shall submit details of how courtyard 1, 2, 3 & 4 will be managed in relation to noise and residential amenity, and also in relation to the opening hours of these courtyards. In this regard it should be noted that amplified music will not be permitted in outdoor areas at any time.
 - (g) Details of the boundary treatment including a landscaping scheme to courtyards 3 & 4 shall be submitted to and agreed in writing with the planning authority. In this regard the current proposal for railings is not acceptable and will lead to overlooking and privacy issues from these courtyards. A more solid treatment of these boundaries shall be submitted to Dublin City Council for approval.
 - (i) The operating hours of the proposed café unit shall be agreed in writing within the planning authority prior to first occupation of the unit.

Reason: In the interests of visual and residential amenity.

5. The proposed café area shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission.

Reason: In the interests of residential amenity.

6. (a) Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external and courtyard facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The colour of the aluminium cladding on the section of the eastern elevation with the sawtooth windows shall be dark grey.

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

7. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the 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 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 interests of residential and visual amenity.

8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

10. Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. 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.

12. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

13. Irish Water standard condition.

14. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of proposed green roofs including construction and maintenance plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

Reason: In the interest of public health.

15. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

16. 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 relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, 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 of any remains that may exist within the site.

17. The mitigation measures outlined in the Ecology Report submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment.

18. 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.

19. (a) Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which 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.

(b) Any asbestos found within the site shall be removed and properly disposed of in accordance with the asbestos survey report submitted.

Reason: In the interest of sustainable waste management and in the interest of safety

20. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads, Streets & Traffic Department and the Noise & Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

21. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

22. 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 details of intended construction practice for the development, including hours of working, 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. The applicant shall undertake to implement the measures outlined in the Mobility Management Strategy and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of encouraging the use of sustainable modes of transport.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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: To ensure the satisfactory completion and maintenance of the development until taken in charge

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: 11/11/2019

Terry Prendergast