



An
Bord
Pleanála

Board Direction
PL 06D.TA0001

The submissions on this file and the Inspector's report were considered at a Board meeting of all available Board members held on December 21st 2017.

At this meeting the Board decided unanimously, generally in accordance with the Inspector's recommendation, to make a spilt decision;

- (1) **grant** permission for Phases 1 + 2 for the following reasons and considerations marked (1), and subject to the following conditions
- (2) **refuse** permission for Phase 3 for the reasons and considerations (2) as outlined below.

At a further meeting held on 9th of January 2018 of all available Board members the Board decided to approve the direction set out below.

Reasons and Considerations (1)

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

- (a) the site's location at the UCD Belfield campus on lands with a zoning objective TLI "To facilitate, support and enhance the development of third level education institutions" under the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (b) the development plan Policy Res 12: Provision of Student Accommodation, which is to facilitate student accommodation on student campuses;

- (c) the provisions of the UCD Strategic Campus Development Plan 2016-2021-2026 and of the UCD Campus Travel Plan 2016-2021-2026, both of which identify the provision of the proposed quantum of student accommodation as a key objective;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) the nature, scale and design of the proposed development;
- (f) the availability in the area of a wide range of social and transport infrastructure,
- (g) the pattern of existing and permitted development in the area and to the submissions and observations received.
- (h) the Design Manual for Urban Roads and Streets (DMURS)
- (i) the guidelines for Sustainable Residential Developments in Urban Areas

It is considered that, subject to compliance with the conditions set out below, Phases 1 and 2 of 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 and would be acceptable in terms of pedestrian and traffic safety and convenience. Phases 1 and 2 of 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 (being a redevelopment of land within a zoned and serviced university campus in an urban area), 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:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development at University College Dublin, Belfield, Dublin 4
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Noise impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures; limited hours of construction; ongoing contact with local residents and monitoring of typical noise levels.
- Dust impacts during construction which will be mitigated by a dust management plan including a monitoring programme.

- Biodiversity impacts on birds and bats which will be mitigated by construction management measures and the installation of nesting boxes for swifts.
- Biodiversity impacts related to the loss of existing trees at the site which will be mitigated by the proposed landscaping scheme.
- Residual Visual Impacts have been mitigated to the extent possible by reason of design and the landscaping plan, or otherwise addressed by means of the omission of Phase 3 of the development and would be acceptable having regard to the zoning and location within a university campus.
- Architectural and cultural heritage impacts, which will be partially mitigated by the proposed landscaping scheme, or otherwise addressed by means of the omission of Phase 3 of the development.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the omission of Phase 3, and subject to the implementation of the mitigation measures proposed as they pertain to Phases 1 + 2, as set out in Volume 2.19 Section 18 of the EIAR “Summary of Mitigation Measures” and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to the omission of Phase 3 and subject to compliance with the conditions set out:

- (a) The proposed development is acceptable in principle with regard to national and local planning policy. The provision of circa 3,000 number bed spaces at the UCD campus by 2024 is a key objective of the Department of Education and Skills 'National Student Accommodation Strategy' (2017) and of the 'UCD Strategic Campus Development Plan 2016-2012-2026'. It will also free up conventional accommodation in the area and thus contribute to the delivery of national housing targets set out in the 'Rebuilding Ireland Action Plan for Housing and Homelessness' (2016) and the core strategy and housing strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022. In addition, the use as visitor / tourist accommodation outside term time is in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- (b) The design and layout of the scheme are generally satisfactory and in accordance with development plan policy and with the Department of Education guidance on student accommodation with certain specific exceptions. The design and the landscaping scheme will provide a high standard of student accommodation and ancillary facilities for future residents and will make a substantial contribution to the range of amenities and services available at UCD and to the urban realm of the campus. The proposed development will not seriously injure the residential amenities of adjacent properties.

- (c) The proposed roads and parking arrangements are generally compliant with the standards of DMURS and the development plan. The provision of this quantum of additional student accommodation on campus is a central element of the UCD Campus Travel Plan 2016-2021-2026 as it will reduce the proportion of the student population commuting to and from the campus.

The Board concluded that phases 1 + 2 of the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. a) The development of phases 1 + 2 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.
- b) Phase 3 shall not be carried out for the Reasons and Considerations set out in Reasons and Considerations (2) below.

Reason: In the interest of clarity.

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 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.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development, it is considered appropriate to specify a period of validity of this permission in excess of five years.

4. 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.

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

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works.

Reason: In the interest of residential and visual amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

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

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

10. 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.

Reason: In the interest of public health.

11. (a) 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.
- (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.

- (c) Pedestrian crossing facilities shall be provided at all junctions.
- (d) The roundabout at the junction between the realigned Owenstown Access Road and the campus ring road shall be omitted and replaced by a raised table junction / signalised junction with pedestrian priority
- (d) Footpaths shall be provided on both sides of the Owenstown access road.
- (e) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for agreement 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. 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.

Reason: In the interest of sustainable waste management.

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 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.

15. 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.

16. 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.

Reasons and Considerations (2)

1) It is considered that, by reason of its design, mass and scale adjacent to the protected structures Roebuck Castle and Roebuck Glebe and the design and scale of Block F2 in close proximity to the site boundary at Roebuck Road, Phase 3 of the proposed development would materially and adversely affect the character and setting of the protected structures and would, therefore, contravene policy AR1: Record of Protected Structures of the Dún Laoghaire Rathdown County Development Plan 2016-2022, i.e. the protection of structures included on the Record of Protected Structures from any works that would negatively impact their special character and appearance. In addition, Block F2, located in close proximity to residential areas, would not be in accordance with the policy on Transitional Zonal Areas provided in section 8.3.2 of the Development Plan as it would present an unsatisfactory frontage to Roebuck Road and would have a significant adverse impact on visual and residential amenities and phase 3 would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

Note: In coming to its decision to refuse Phase 3 of the development the Board considered that this phase of the proposed development at the existing Roebuck Castle complex at the southern end of the overall site, fronting onto Roebuck Road is an enclave within the wider UCD campus, surrounded by trees and focused on the protected structures of Roebuck Castle and Roebuck Glebe and the historic Crannog Lodge. It is physically separate from the remainder of the campus and has a distinctive character that warrants a site-specific treatment. In addition, the frontage to Roebuck Road presents an opportunity for the creation of a new 'gateway' to UCD with a high-quality interaction between the university and the public realm at this location. While the demolition of later additions to the Roebuck Castle complex is

acceptable in principle, it is considered that the proposed design, which is a continuation of the treatment of Phases 1 and 2, would have an adverse impact on the settings of the protected structures and does not present a satisfactory frontage to Roebuck Road. In addition, the transition in scale at this location relative to the adjacent suburban housing would not be in accordance with the policy on Transitional Zonal Areas. Phase 3 of the development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 21.12.17

Paul Hyde