

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2858/16

An Bord Pleanála Reference Number: PL 29N.247008

APPEAL by Marianne Lee of 7 Grangegorman Villas, Grangegorman Road Lower, Dublin and by Pat Coyne of 7d Arran Street East, Mary's Abbey, Dublin against the decision made on the 6th day of July, 2016 by Dublin City Council to grant subject to conditions a permission to GSA Developments (Ireland) Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising the demolition of all existing structures on site, including three number houses together with site clearance works and the construction of a new mixed used building of part four, part five and part six storey height with a total Gross Floor Area (GFA) of 20,999 square metres (all above ground floor level) to include discount supermarket (2,764 square metres GFA), including part off-licence (95 square metres) at ground floor level fronting North Brunswick Street; 624.8 square metres GFA of retail floorspace arranged in two separate retail units fronting Grangegorman Lower; an ancillary student/community group recreational facility of 265.99 square metres GFA (including mezzanine level) arranged over two floors and fronting Grangegorman Lower together with reception (430.55 square metres) for Student Accommodation and ancillary Student Services (404.69 square metres) over two floors (inclusive of mezzanine levels) and Gym (142.66 square metres) at ground floor. All of the upper floors (first to fifth floor level) are proposed as Student Accommodation to provide a total of 126 number units, comprising five by three bed units (15 bed spaces), 29 by 4 bed units (116 bed spaces), 29 by 5 bed units (145 bed spaces), 14 by 6 bed units (84 bed spaces), 13 by 7 bed units (91 bed spaces), 12 by 8 bed units (96 bed spaces) and 24 studio type units (24 bed spaces) resulting in a total provision of 571 number bed spaces. Balconies are proposed at

second to fifth floor levels on the internal west facing elevation overlooking the internal courtyard. A roof terrace is proposed at fourth floor level to the southern elevation onto North Brunswick Street and at fifth floor level to the western elevation fronting Grangegorman Lower. Vehicular access is provided at the eastern end of the site along North Brunswick Street frontage to provide access to a loading bay to serve the proposed discount supermarket. This access is enclosed by a high level (4.5 metres high) galvanised steel gate. The main pedestrian access to the site is provided along the northern part of the Grangegorman Lower Street frontage and is formed by a series of high level pivot gates fixed to the undercroft of the building. An on-street loading bay is also provided in close proximity to the main entrance along the Grangegorman Lower frontage. A combination of hard and soft landscaping measures are proposed to areas of communal open space along the northern, eastern and western boundaries of the site (including areas of public realm) and the proposed internal courtyard space that is enclosed by the proposed part four, part five, part six storey high perimeter block. Provision is made for 191 number internally located bicycle parking spaces at ground floor level within the proposed building. Provision is also made for 20 number visitor's bicycle parking spaces external to the proposed building. The proposed building incorporates sustainable urban drainage measures, including the provision of green roofs (2,612.3 square metres) and a rainwater harvesting system that drains to a proposed sub-surface level (approximately 0.75 metre below ground level) attenuation tank that is situated along the northern boundary of the site together with all associated site development and landscaping works, all on site at numbers 3-7 and numbers 9-11 Grangegorman Lower and the yard and buildings to the rear thereof and numbers 1 and 2 Blake Villas, Grangegorman Lower and numbers 8 and 8a Grangegorman Lower and those lands known as 22-27 North Brunswick Street, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the planning history of the site, to the scale and nature of the proposed development and to the location of the site in proximity to third level institutions, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area, would provide an acceptable standard of amenity for future residents and would promote sustainable modes of transportation. 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 proposed off-licence sales area shall be omitted from the proposed discount food store and the indicated as off-licence sales area shall be used as general retail floor for convenience goods instead.

Reason: The Board is not satisfied on the basis of the documentation submitted with the application and appeal that the applicant has demonstrated a compelling reason for an off-licence at this location (which is already well served by off-licences) in accordance with Development Plan policy as set out in Policy RD5 of the Dublin City Development Plan 2016-2022.

3. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

4. The residential accommodation of the development hereby permitted shall only be occupied as student accommodation, and for no other purpose, without a prior grant of planning permission for change of use. The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Management Plan submitted with the application.

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 cinema/laundry/sanitary facilities room shown on the Proposed Ground Floor Plan drawing number 15029 4000 Rev 1 shall be for laundry facilities only.

Reason: In the interest of providing for student services.

6. No unit within the student accommodation shall be occupied by persons other than current students of recognised third level institutions.

Reason: In the interest of clarity.

7.
 - (a) Prior to commencement of development, details of signage shall be submitted to, and agreed in writing with, the planning authority, and, thereafter, only the agreed signage shall be installed.
 - (b) Apart from the signage agreed to under (a), 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.

8. Security roller shutters, if installed in the retail/commercial units, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. The roof terrace shall not be occupied or used for any purposes between 2200 hours and 0700 hours on any day.

Reason: In the interest of residential amenity.

10. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed student accommodation is made available for occupation.

Reason: In the interest of public safety and visual amenity.

11. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, open spaces, landscaping, paths, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the student accommodation is made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of amenity and orderly development.

12. 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.

13. Prior to commencement of development, a detailed specification of planting to facilitate the implementation of the landscape planting shall be submitted to, and agreed in writing with, the planning authority. The agreed specification shall be fully implemented in the first available planting season following either the substantial completion of the development or the first occupation of the student accommodation, whichever is sooner. All plants shall be adequately protected until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years, 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.

14. Prior to commencement of development, 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. A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation and the preservation in-situ of archaeological remains), prior to commencement of construction works.

Where any preservation in-situ requirements have implications for the wider development they shall be the subject of revised plans which shall depict such implications. Such plans shall be submitted to, and agreed in writing with, the planning authority.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. Prior to the first occupation of the student accommodation, all the cycle parking spaces shall be provided and, thereafter, shall be retained in-situ for the duration of the student accommodation on site.

Reason: In order to promote and facilitate cycling as a sustainable mode of transport.

17. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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 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.

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. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.