

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2382/16

An Bord Pleanála Reference Number: PL 29N.247225

APPEAL by Thomas Russell of 25 Mountjoy Street, Dublin and by An Taisce of Tailor's Hall, Back Lane, Dublin against the decision made on the 11th day of August, 2016 by Dublin City Council to grant subject to conditions a permission to Rhonellen Developments Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of the existing vacant commercial building and construction of a residential student accommodation development of 17 number student accommodation units (130 number bed spaces). The proposed development consists of the demolition of the existing four-storey commercial building and all associated ancillary structures and the construction of a seven-storey building (five-storey plus set-back sixth storey penthouse level over basement) with roof garden. Permission is also sought for two number outdoor garden areas at basement level to the rear/south of the proposed structure. The proposed development also provides for ancillary services including one number café/restaurant (118 square metres) with terrace to the rear/south, reception/management suite with office, study room and social room all at ground floor level with gym, laundry room, bin store area, plant room and 25 number bicycle spaces provided at basement floor level. Access to the development is to be via controlled pedestrian accesses on Dominick Street and Henrietta Lane. Permission is also sought for signage to the front façade along Dominick Street Upper and all ancillary engineering and site development works necessary to facilitate the development, all at numbers 58 to 64 Dominick Street Upper (bounded by Henrietta Lane to the south/rear), 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, as amended by the further plans and particulars submitted on the 24th day of May, 2016 and the further information submitted on the 15th day of July 2016, 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. 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.

3. 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.

4. (a) Full details of legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services within the development site including drains, sewers, watermains, public lighting, paths, roads, open spaces and refuse storage areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) A revised Management Plan for the development shall be submitted to, and agreed with, the planning authority which details proposals to provide 24-hour on-site management of the units, prior to commencement of development.

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

5. 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.

6. The proposed café at ground floor level shall have public access.

Reason: In the interest of amenity and in order to provide an active street frontage.

7. The permitted elevation to Dominick Street Upper shall be that as proposed in 'Option 1' (drawing number CAI_1200_1) submitted to the planning authority on 15th day of July 2016 except for as amended hereunder. The main entrance of the proposed development shall be relocated to align with the centreline of Mountjoy Street to create an appropriate visual termination to the street. In this regard, prior to commencement of any works on site, the developer shall submit to and agree in writing with the planning authority exact details, at an appropriate scale, of this elevation including fenestration details, extent of proposed stone cladding and details of all other materials proposed. The proposed polished stone at ground floor level shall be omitted from the proposal and replaced with matching finishes to the upper floor finishes, details of which to be submitted to and agreed in writing with the planning authority, prior to commencement of any development on site. A panel of the proposed finishes shall 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.

8. (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.

9. Security roller shutters, if installed in the commercial unit, 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.

10. The hours of operation of the cafe shall be from 0800 hours each day and shall cease no later than 2300 hours on Mondays to Saturdays and no later than 2200 hours on Sundays.

Reason: In the interest of residential amenity.

11. 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.

12. 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.

13. 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.

14. 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.

15. Prior to commencement of any development on site, the developer shall ascertain and comply with all requirements of the planning authority in relation to roads and access issues.

Reason: In the interests of traffic safety.

16. 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. The plan 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 in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. Prior to commencement of development, a detailed specification of 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.

18. Full details of proposed materials and structures to be used at roof level, including proposed planting shall be submitted to and agreed in writing with the planning authority, prior to commencement of any development on site.

Reason: In the interest of orderly development.

19. Notwithstanding the provisions of Class 31 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, no telecommunication apparatus that would otherwise constitute exempted development shall be installed on the application site without the written consent of the planning authority.

Reason: In the interest of orderly development.

20. The glazing to the entrance lobby/common area and cafe at ground floor level shall be transparent and shall not be obscured by any form of fitting, fixture, stickers or advertisements.

Reason: In the interest of visual amenity.

21. 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.

22. 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.

23. 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.

24. 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

25. 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 2017.