

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3220/16

An Bord Pleanála Reference Number: PL 29S.247275

APPEAL by Celena Kelly of 28 Clanmawr, Corbawn Lane, Shankill, County Dublin against the decision made on the 22nd day of August, 2016 by Dublin City Council to grant subject to conditions a permission to Hattington Student Housing Limited care of Stephen Little and Associates of 6 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Modifications to accommodation at lower ground floor level to accommodate an additional 13 number student accommodation bed spaces at lower ground floor, including an extension southwards to Block C; an additional six number student accommodation bed spaces are provided within an extension to Block C at ground and first floor levels over lower ground floor, including an external fire escape; overall, an increase of 19 number student accommodation bed spaces are proposed; an increase in the overall gross floor area within the scheme from 7,692 square metres (permitted) to 7,775 square metres (proposed); associated adjustments to the landscaping in the external courtyard spaces. These proposed changes amend the Student Accommodation facility permitted under planning register reference number 2453/15. The already permitted scheme provides 244 student bed spaces with ancillary facilities, together with the conservation and refurbishment of numbers 30 and 32-36 Thomas Street. The overall scheme, if permitted, will comprise 263 student accommodation bed spaces. All at numbers 30 and 32-36 Thomas Street and 10 Hanbury Lane, Dublin. The overall site of 0.31 hectares is bounded generally to the north by Thomas Street, to the west by Saint Catherine's Lane West, to the

east by number 37 Thomas Street, to the south by an existing office building on the corner of Hanbury Lane and Saint Catherine's Lane West and the Hanbury Court Apartments on the corner of Hanbury Lane and Swam Alley.

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 residential zoning objective for the area, to the extant permission on the site for student accommodation and the pattern of development in the area, it is considered that, subject to compliance with the conditions set below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would result in an acceptable standard of residential accommodation. 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 proposal shall be amended as follows:

The six-bedroom cluster immediately to the south of the Bike store area on the lower ground floor, together with the light well serving it shall be omitted and the area of this cluster shall be used as storage.

Drawings showing this amendment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenities of the future residents of the proposed development.

3. The proposed development shall be amended as follows:

The permitted first floor bedroom at the south east corner of Block C shall be fitted with an angled window and obscure glazing to match the windows of the permitted bedrooms to the north.

Reason: In the interest of residential amenity.

4. The developer shall comply with all conditions attached to planning register reference number 2453/15 save where the proposal has been modified by this permission. This permission shall cease to have effect on the date which planning register reference number 2453/15 expires.

Reason: To clarify the scope of the permission.

5. 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.

6. The landscaping scheme shown on drawing number LP-01-PP, as submitted to the planning authority on the 28th day of June, 2016, shall be carried out within the first planting season following substantial completion of external construction works. 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 the completion of the development or until the development is taken in charge, whichever is the sooner, 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.

7. 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) prior to commencement of construction works.

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.

8. 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.

9. 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.