



An
Bord
Pleanála

Board Order
PL 29N.248233

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4174/16

Appeal by The Mountjoy Square Society care of Murray Rees of 25 Mountjoy Square, Dublin against the decision made on the 2nd day of March, 2017 by Dublin City Council to grant subject to conditions a permission to Summer Road Development 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: Amendments and modifications to extant permission granted under planning register reference number 4521/08,(An Bord Pleanála reference number PL 29N.233115), extended under planning register reference number 4521/08/x1, and as previously amended by planning register reference number 3366/15, comprising the following amendments to the previously permitted student accommodation scheme:- provision of additional floor area (755.7 square metres) at first floor level (previously permitted as a void) and reorganisation of permitted ground floor layout and uses resulting in a total increase of 33 number student bed spaces (from 374 number previously permitted to 407 number bed spaces), together with additional internal recreational area (141 square metres), reconfiguration of northern ground floor area to accommodate emergency exit and external stairs to Gardiner Lane, provision of a transformer room (29 square metres) in ground floor courtyard, provision of 30 number external secure bicycle parking

spaces (in lieu of 30 number spaces lost internally due to provision of emergency exit), rationalisation of the solid to void proportions on the Northern, Southern and Eastern facades, together with all associated and ancillary modifications, all at site comprising numbers 123-128 Summerhill, backing onto 6, 7 and 7A Gardiner Lane, Dublin. The proposed modifications will result in an overall increase from 10,475.8 square metres gross floor area to 11,231.5 square metres. The proposed modifications are generally within the extent of the development previously permitted and do not resulting in any increase in building height or footprint.

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 planning history including the extant permission on site, to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the provisions of the Dublin City Development Plan 2016-2022 in relation to the provision of student accommodation and would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted to the planning authority on the 3rd day of February 2017 and by the further plans and particulars received by An Bord Pleanála on the 20th April 2017, 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 development shall comply with the terms and conditions of the permission granted on the 16th day of February, 2016 under planning register reference number 3366/15, as extended, except as amended in order to comply with the attached conditions. This permission shall cease to have effect on the date of which the parent planning permission granted under planning register reference number 3366/15 expires.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be revised as follows
 - (a) the total number of student accommodation bed spaces shall be reduced by 14 to an overall total of 393 bed spaces,

- (b) the proposed ground floor 'cluster Type' 3 student accommodation (8 number bed spaces), associated kitchen (32.6 square metres) and laundry room (25 square metres) shall be omitted and replaced by the previously approved laundry room, gym (55 square metres), kitchen (32.6 square metres) and movie room as shown on drawing number U182 P101_A (as received on the 3rd day of February, 2017),
- (c) the proposed first floor 'cluster Type 4' student accommodation (six number bed spaces) and associated kitchen (32.6) shall be omitted from the first floor and the space shall revert to a double height space above the ground level common areas below as previously approved and shown on drawing number U182 P102A 'Approved and Proposed First Floor Plan' (as received by the planning authority on the 3rd day of February, 2017),
- (d) the proposed common room (141 square metres) on the first floor shall be omitted and the space shall revert to a double height space above the ground floor level Lobby and Common Room areas below as previously approved and shown on drawing U182 P102A 'Approved and Proposed First Floor Plan' (as received by the planning authority on the 3rd day of February, 2017).
- (e) development on the eighth floor shall be as previously approved and shown in drawing number U182 P109 'Approved and Proposed Eighth Floor Plan' (as received by the planning authority on the 22nd day of November 2016),
- (f) bicycle parking may be proportionally reduced. All external bicycle storage spaces shall be covered, and

- (g) a schedule of the internal gross floor area of each room (student, office, indoor amenity spaces, kitchen and such like) shall be measured and indicated correctly on revised drawings. Student accommodation bed spaces shall comply with the minimum standards as set out in the Dublin City Development Plan 2016-2022.

Revised plans and particulars showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential amenity of the area and of future occupants.

- 4. Prior to the commencement of development, drawings showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:-

- (a) the proposed fire escape and plant room vent fronting onto Gardiner Lane in elevational drawings, and
- (b) the ground floor landscape drawings shall reflect the section fronting onto Gardiner Lane (that is, the first floor/at-grade level) harmonising correctly with architectural drawing U182 P101A (as received by the planning authority on the 3rd day of February, 2017).

Reason: In the interest of orderly development and visual amenity.

5. 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